Vol. I

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, [redacted] 1914

No. [redacted] 358

MARTIN LAWLOR ET AL., PLAINTIFFS IN ERROR,

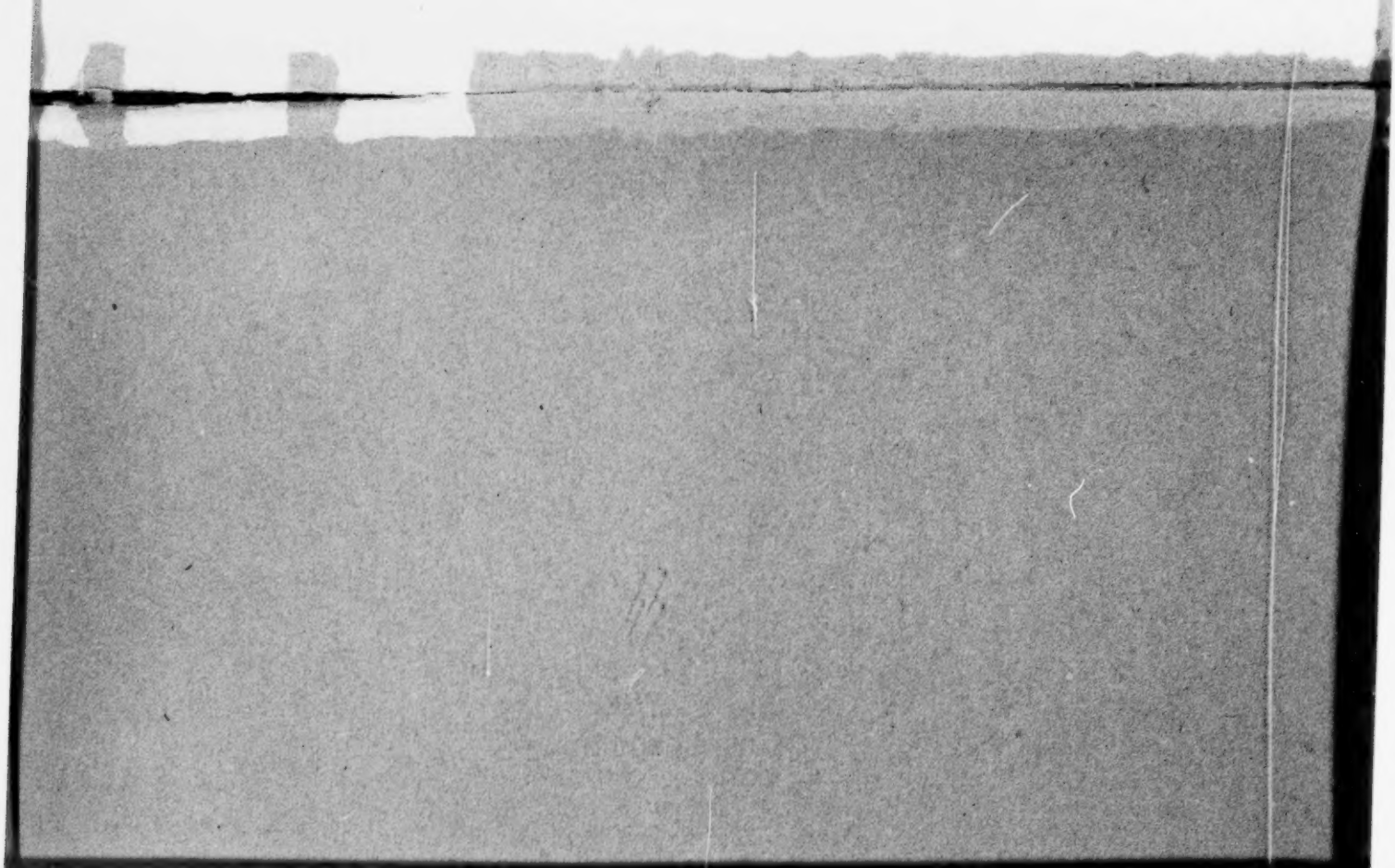
vs.

DIETRICH E. LOEWE AND MARTIN FUCHS, PARTNERS UNDER THE FIRM NAME OF D. E. LOEWE & CO.

IN ERROR TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

FILED FEBRUARY 10, 1914.

(24,051)



IN THE

United States Circuit Court of Appeals

FOR THE SECOND CIRCUIT.

No. .....

MARTIN LAWLOR ET AL.,

Plaintiffs in Error,
(Defendants Below.)

vs.

D. E. LOEWE ET AL.,

Defendants in Error.
(Plaintiffs Below.)

TRANSCRIPT OF RECORD.

Error to the District Court of the United States for the District of Connecticut.

VOL. I—Pages 1 to 432.

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THE TOLEDO BRIEF & RECORD COMPANY,
PRINTERS.

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Transcript of Record. 1

UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

Martin Lawlor et al.,
Plaintiffs in Error (Defendants Below),

vs. 2

D. E. Loewe and Martin Fuchs,
Defendants in Error (Plaintiffs Below).

TRANSCRIPT OF RECORD.

Error to the District Court of the United States for the District of Connecticut.

WRIT OF ERROR.

3

The United States Circuit Court of Appeals for the Second Circuit.

The President of the United States of America to the Judges of the District Court of the United States for the District of Connecticut,
Greeting:

Because in the record and proceedings, as also in the rendition of the judgment of a plea which is in the said District Court before you, between Dietrich E. Loewe and Martin Fuchs, both of the Town of Danbury, Connecticut, plaintiffs, 4 and William P. Bailey, Charles Bailey, Frederick Benedict, John Cords, Virgil Dibble, T. Archibald Evans, Charles Frost, Howard S. Gilbert, George H. Gilbert, Charles Green, John Halpin, Reuben Johnson, Henry C. Judd, John L. Kane, Martin Lawlor, Charles Lathrop, George W. Morehouse, Byron Morgan, Barney Murphy, Owen Murray, William Ochs, William Ohler, Levi Short, Orrin Smith, William Stone, Myron Trowbridge, Patrick Troy, of Bethel, Connecticut; Theophilus

Abieniste, Andrew Aitken, Nicholas W. Allen, Thomas H. Allen, Daniel H. Barnes, Nicholas W. Barzin, Clemens Beschele, Frederick S. Blackburn, John Blake, Simon Blake, Herman H. Bohman, Nelson H. Booth, James N. Boughey, Thomas Boyd, Peter J. Brennan, Alphonse Bresson, Theodore Bright, Byron S. Brooks, Andrew G. Brown, Chauncey H. Butler, James P. Callahan, John J. Callahan, Achille Canale, Thomas J. Cassidy, William Clancy, Elmer R. Clark, John H. Collins, Lewy W. Comes, Patrick Connolly, Michael Corbett, James D. Costello, John H. Craft, Byron W. Crane, James Crotty, John Crotty, Peter T. Currie, William Deakin, George F. Denton, James Dillon, William S. Dutcher, John Dyer, John Ellegett, Patrick Ellegett, Carl Erdman, Timothy H. Farrell, Patrick J. Feeley, Patrick J. Fisher, Emil Floyske, Thomas Foley, Peter Gallagher, Christian Gottlieb Garni, William E. Gartner, Martin Gorman, Michael C. Griffin, Wright Hampson, David J. Hardy, Alexander Harkness, John Harkness, Patrick Hart, John Hassett, Stephen Havren, Michael Hennessy, George M. Herrick, Charles A. Hodge, Adolph Holdeichel, Nathan C. Hoy, William Humphries, Patrick F. Hunt, Charles W. Hurd, Michael Hurd, Patrick E. Jeffrey, Daniel Kearns, Martin Keating, Thomas Keenan, Daniel P. Kelly, Michael F. Kenney, John Keough, Charles J. King, Frank Kornhass, Frank E. Krebs, Martin Lauf, Edward D. Lees, John Leonard, Thomas Leonard, Michael F. Lynch, John Morris, Jeremiah McCarthy, Patrick J. McCarthy, Patrick T. McCarthy, Martin McCue, Thomas E. McGauley, Martin McGettrick, James F. McGlone, John McGlone, Peter McGlone, Patrick McGrath, Charles F. McHan, Thomas McHugh, Daniel McInerey, Frank Meath, Henry Messer, Henry C. Michael, George J. Miller, Gustave Mougin, Eugene L. Mulkin, Daniel Murphy, Timothy Murray, John B. Nowlan, William V. Nowlan, George T. Oakley, Peter O'Boy, Louis E. Orton, Daniel J. Osborne, Alvah S. Pearce, George H. Phillips, Peter Picken, Arthur I. Pickett, John Pribula, Jacob Prinz, Christian Rheinhold, Frank Rohde, Frank E. Seaman, Hugh C. Shalvoy, Charles Shaffer, Frederic L. Stahl, George Stuckey, Michael E. Sullivan, William S. Sullivan, Joseph Tosi, Thomas E. Waters, Samuel S. Wilson, Frank K. Wildman, all of Danbury, Connecticut; Fanton W. Beers, Albert Berg, William A. Brennan, Stephen Carlin, Edward Cunningham, George A. Davis, Charles Flynn, Addison Hathaway, Peter F. Kearney, Patrick Keating, James Kinnane, Thomas Layhe, Charles

Moore, S. Wallace Osborn, John E. Paul, Robert Pearson, 9
John Redway, Owen Reilley, Daniel Riordan, John E. Rooney, Thomas F. Saunders, John W. Sculley, Max Singerwald, Charles Smith, Frederick Taylor, Peter Ward, William J. Weisheit, James Whitney, all of Norwalk, Connecticut, defendants, a manifest error hath happened to the great prejudice and damage of the defendants, as is said and appeared by the petition herein:

We being willing that error, if any hath been, should be duly corrected and full and speedy justice done to the parties aforesaid in this behalf, command you if judgment be therein given, that then under your seal, distinctly and openly, you 10
send the record and proceedings aforesaid, with all things concerning the same, to the United States Circuit Court of Appeals for the Second Circuit, together with this writ, so that you have the same at the City of New York, in the State of New York, in said Circuit, on the .....day of ..... 1913, next in the said Circuit Court of Appeals, to be then and there held, that the record and proceedings aforesaid, being inspected, the said Circuit Court of Appeals may cause further to be done therein to correct that error, what of right and according to the laws and customs of the United States, should be done. 11

Witness the Honorable Edward Douglass White, Chief Justice of the United States, this.....day of..... 1913.

.....
Clerk U. S. District Court

The foregoing writ of error is hereby allowed this 27
day of ....January....., 1913.

James L. Martin
.....
United States Judge.

John K. Beach,
Frank L. Mulholland, 12
Attorneys for Plaintiffs in Error.

Returned and filed in Clerk's Office Jan 30, 1913.
E. E. Marvin, Clerk
Clerk U. S. District Court, District of Connecticut.

The return of the Judges of the District Court of the United States for the District of Connecticut, to the foregoing writ.

The record and proceedings and judgment of a plea and all things concerning the same whereof mention is therein made, follow in these words.

COMPLAINT AND WRIT.

Be it remembered that on the 12th day of September, 1903, and at divers other dates between that day and the 24th day of September, 1903, Martin Lawlor, John Cords, George W. Morehouse, George H. Gilbert, William P. Bailey, Howard S. Gilbert, Charles Green, Charles Lathrop, and John McDowell, all of said town of Bethel; Charles J. Barrett, Martin Gorman, Peter Gallagher, Daniel P. Kelly, Simon Blake, Hugh C. Shalvoy, Michael C. Griffin, Patrick Connolly, Albert Hoyt, and John Morris, all of said Danbury; Robert Pearson, John E. Paul, Charles Flynn, John W. Sculley, Stephen Carlin, Charles Moore, James Whitney, William A. Brennan, and Homer Rockwell, all of said town of Norwalk; Frederick Taylor, Owen Reiley, Charles Smith, Edward Cunningham, George A. Davis, George Gerrish, Peter Ward, Fanton W. Beers, Albert Berg, Addison Hathaway, John McNamara, John Redway, Ernest Talmadge, W. J. Weisheit, Daniel Riordan, John E. Rooney, Thomas Saunders, Max Singerwode, John Spendlove, Peter F. Kearney, Patrick Keating, James Kinnane, Thomas Layhe, S. Wallace Osborn, all of said town of Norwalk; Barney Murphy, Owen Murray, John Halpin, John Kane, Edward Manion, Edward Culhane, Edward Johnson, Patrick Troy, Patrick Wixted, Henry Gilbert, Starr Bassett, William Ohler, William Ochs, Myron Trowbridge, Frederick Benedict, Orrin Smith, Charles Frost, George Osborne, Reuben Johnson, Virgil Dibble, Charles Bailey, William Stone, E. Romaine Barnum, Byron Morgan, Joseph Burr, Levi Short, Nathan Gilbert, Henry C. Judd, T. Archibald Evans, all of said town of Bethel; Theophilus Abieniste, Andrew Aitken, Nicholas W. Allen, Thomas H. Allen, Daniel H. Barnes, Nicholas W. Barzin, Jerome W. Bates, Charles Beckett, John Beckett, Jr., Clemens Beschele, Frederick S. Blackburn, John Blake, Herman H. Bohman, Nelson H. Boots, James N. Boughey Thomas Boyd, John Bradshaw, Peter J. Brennan, Alphonse Bresson, Theodore Bright, Orrin L. Bronson, Byron S. Brooks, Thomas D. Brooks, Andrew G. Brown, William F. Burns, Chauncey H. Butler, Stephen F. Butler, William H. Butler, John Byrone, James P. Callahan, John J. Callahan, Achille Canale, Thomas J. Cassidy, William Clancy, Elmer R. Clark, John H. Collins, Lewy W. Comes, Michael W. Corbett, James D. Costello, John H. Craft, Byron W. Crane, James Crotty,

John Crotty, Michael Crowe, Patrick Culligan, Peter T. Currie, William Deakin, George F. Denton, George Dickens, James Dillon, Thomas J. Durkin, James Durnin, William S. Dutcher, John Dyer, John Ellegett, Patrick Ellegett, Patrick Elliott, John G. Ely, Carl Erdman, Timothy H. Farrell, Patrick J. Feeley, Patrick Fennell, Patrick J. Fisher, Patrick Fitzgerald, Patrick Flannagan, Emil Floyske, Thomas Foley, Christian Garni, William E. Geartner, John Gilbride, Patrick Gildea, George J. Goebel, Wright Hampson, David J. Hardy, Alexander Harkness, John Harkness, Patrick Hart, John Hassett, Stephen Havran, Michael Hennessy, George M. Herrick, Ernest H. Heuser, Charles A. Hodge, Adolph Holdeichel, Nathan C. Hoy, William Humphries, Patrick F. Hunt, Charles W. Hurd, Michael Hurd, Patrick E. Jeffrey, Daniel Kearns, Martin Keating, Thomas Keenan, Michael F. Kenney, John Keough, Charles J. King, Frank Kornhass, Frank E. Krebs, Martin Lauf, John M. Lawler, Edward D. Lees, Thomas Leonard, William E. Luke, Michael F. Lynch, George F. Marshall, Jeremiah McCarthy, Patrick J. McCarthy, Patrick T. McCarthy, Martin McCue, Thomas E. McGauley, Martin McGettrick, James F. McGlone, John McGlone, Peter McGlone, Patrick McGrath, Charles F. McHan, Thomas McHugh, Daniel McInerey, Frank Meath, Henry Messer, Henry C. Michael, George J. Miller, John Miller, Jr., Patrick Moffitt, Michael Moran, Gustave Mougin, Eugene L. Mulkin, Daniel Murphy, Timothy Murray, John B. Nowlan, William V. Nowlan, George T. Oakley, Peter O'Boy, Louis E. Orton, Daniel J. Osborne, Alvah S. Pearce, George H. Phillips, Peter Picken, Arthur L. Pickett, John Pribula, Jacob Prinz, Christian Rheinhold, Frank Rhode, John Rooney, Frank E. Seaman, Louis Shack, Charles Shaffer, Frederick L. Stahl, Nicholas Streibig, George Stuckey, Stephen Stuckey, Michael E. Sullivan, Mark Sullivan, William S. Sullivan, Joseph Tosi, Thomas E. Waters, Frank K. Wildman, Samuel S. Wilson, Michael Connors, John J. Culhane, John Leonard, all of said town of Danbury, were attached and summoned to appear before the Circuit Court of the United States for the District of Connecticut, to be held at Hartford, in said District, on the second Tuesday of October, 1903, then and there to answer unto Dietrich E. Loewe and Martin Fuchs, both residents of said town of Danbury, in the State and District of Connecticut, in a civil action wherein the plaintiffs complain and say:

21 1. The defendants are all residents of the District of Connecticut.

2. The plaintiffs who reside in Danbury in the State and District of Connecticut are co-partners, located and doing business as manufacturers and sellers of hats at said Danbury, under the firm name of D. E. Loewe & Co.

3. At said Danbury, the plaintiffs have a factory for the making of hats, for sale by them in the various States of the Union, and have for many years employed, at said factory, a large number of men in the manufacture and sale of said hats, and have invested in that branch of their business a large
22 amount of capital, and in their business of selling the product of their said factory and filling orders for said hats, have built up and established a large and profitable inter-State trade, employing more than two hundred and thirty (230) persons, in making and annually selling hats of a value exceeding four hundred thousand ($400,000) dollars.

4. The plaintiffs deeming it their right to manage and conduct their business without interference, from individuals or associations not connected therewith, have for many years maintained the policy of refusing to suffer or permit any person or organization to direct or control their said business,
23 and in consequence of said policy have conducted their said business upon the broad and patriotic principle of not discriminating against any person seeking employment because of his being or not being connected with any labor or other organization, and have refused to enter into any agreement with any person or organization whereby the rights and privileges, either of themselves or any employee would be jeopardized, surrendered to or controlled by said person or organization, and have believed said policy, which was and is well known to the defendant, to be absolutely necessary to the successful conduct of their said business and the welfare of
24 their employees.

5. The plaintiffs, for many years, have been and now are engaged in trade and commerce among the several States of the Union, in selling and shipping almost the whole of the product of their said factory by common carriers, from said Danbury to wholesale dealers residing and doing business in each of the States of Maine, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Maryland, Virginia, Ohio, Illinois, Michigan, Wisconsin, Missouri, Nebraska, Arkansas, California, and other States to the amount of many

hundreds of thousands of dollars, and in sending agents with **25**
samples from said Danbury into and through each of said States to visit said wholesale dealers at their places of business in said several States, and solicit and procure from them orders for said hats, to be filled by hats to be shipped from their said factory at said Danbury, by common carrier to said wholesale dealers, to be by them paid for after the delivery thereof at their several places of business.

6. On July 25th, 1902, the amount of capital invested by the plaintiffs in said business of making and selling hats, approximated one hundred and thirty thousand dollars, and the value of the hats annually sold and shipped by them in previous **26**
years, to said dealers in States other than Connecticut, exceeded four hundred thousand dollars, while the value of hats sold by them in the State of Connecticut did not exceed ten thousand dollars.

7. On July 25th, 1902, the plaintiffs had made preparation to do a large and profitable business with said wholesale dealers in other States, and the conditions of their business were such as to warrant the full belief that the ensuing year would be the most successful in their experience. Their factory was then running to its full capacity in filling a large number of orders from such wholesale dealers in other States. **27**
They were then employing about one hundred and sixty men in the making and finishing departments, a large number in the trimming and other departments, whose work was dependent upon the previous work of the makers and finishers, and they then had about one hundred and fifty dozen of hats in process of manufacture, and in such condition as to be perishable and ruined if work was stopped upon them.

8. The plaintiffs then were and now are almost wholly dependent upon the sale and shipments of hats as aforesaid to said dealers in States other than Connecticut, to keep their said factory running and to dispose of its product and their capital **28**
invested in said business profitably employed, and the restraint, curtailment and destruction of their said trade and commerce with their state customers in said States other than Connecticut, by the combination, conspiracy and acts of the defendants, as hereinafter set forth, have been and now are of serious damage to the property and business of the plaintiffs, as hereinafter set forth.

9. The individual defendants named in this writ are all members of a combination or association of persons styling

29 themselves the United Hatters of North America, and said combination includes more than nine thousand persons, residing in the several States of Massachusetts, Connecticut, New York, New Jersey, Pennsylvania, Indiana, Illinois, Missouri, California, and in the Province of Ontario in the Dominion of Canada. Said combination is sub-divided into twenty sub-combinations, each of which is by themselves styled a local Union of The United Hatters of North America. Six of said sub-combinations are in the State of Connecticut, and known as local Unions, 1 and 2, 10 and 11, and 15 and 16 of the United Hatters of North America, and have an aggregate
30 membership of more than three thousand persons residing in the State of Connecticut.

10. Said combination of persons collectively known as the United Hatters of North America, owns, controls, edits, publishes, and issues a paper styled The Journal of the United Hatters of North America, in which are published reports of many of the acts of its agents, hereinafter mentioned, which circulate widely among its members and the public, and which affords a ready, convenient, powerful and effective vehicle for the dissemination of information to its members and the public as to boycotts declared and pushed by them, and of the acts
31 and measures of its members and agents for carrying such boycotts into effect, and was so used by them in connection with the acts of the defendants hereinafter set forth.

11. Said combination owns and absolutely controls the use of a certain label or distinguishing mark, which it styles the Union Label of the United Hatters of North America, which mark, when so used by them, affords to them a ready, convenient and effective instrument and means of boycotting the hats of any manufacturer against whom they may desire to use it for that purpose.

12. The defendants in this suit are all members of a
32 combination or association of persons calling themselves and known as The American Federation of Labor, which includes more than a million and four hundred thousand members residing in the several States and Territories of the Union, and in the Dominion of Canada, and in all the places in the several States where the wholesale dealers of hats, hereinbefore mentioned, and their customers reside and do business. Said combination is sub-divided into subordinate groups or combinations, comprising one hundred and ten national and international unions or combinations, of which the said combination

of persons styling themselves the United Hatters of North 33
America is one, composed of twelve thousand local unions, twenty-eight State federations or combinations, more than five hundred central labor unions or combinations, and more than two thousand local unions or combinations, which are not included in the above mentioned national and international combinations.

13. Said combination of persons collectively known as the American Federation of Labor, owns, controls, edits, publishes and issues a paper or magazine, called the American Federationist, which it declares to be its official organ and mouthpiece, which has a very wide circulation among its members 34
and others, and which affords a ready, convenient, powerful and effective vehicle and instrument for the dissemination of information, as to persons, their products and manufactures, boycotted or to be boycotted, by its members, and as to measures adopted and statements to be published detrimental to such persons and to the sale of their manufactures and for boycotting such persons, their manufactures and business; and said paper has been and now is constantly used, printed and distributed for said purposes among its members and the public, and was so used by the defendants and their confederates in boycotting the product of the firms of F. Berg & Co., of 35
Orange, New Jersey, and H. H. Roelofs & Co., of Philadelphia, Pa., hat manufacturers, to their very great injury and until the said firms successively yielded to their demands in pursuance of the general scheme of the defendant hereinafter set forth.

14. The persons united in said combination, known as the American Federation of Labor, including the persons in said sub-combination known as the United Hatters of North America, constantly employ more than one thousand agents in the States and Territories of the United States, to push, enforce and carry into effect all boycotts declared by the said 36
members, including those in aid of the combined scheme, purpose and effort hereinafter stated, to force all the manufacturers of fur hats in the United States, including the plaintiffs, to unionize their factories, by restraining and destroying their interstate trade and commerce, as hereinafter stated, all of which said agents act under the immediate supervision and personal direction of one Samuel Gompers, who is the chief agent of the said combination of persons for said purpose, and of each of the said sub-combinations, and the said agents make

37 monthly reports of their doings to said Gompers, from which said reports he prepares a condensed report and summary of their said doings, in pushing and enforcing and causing to be pushed and enforced said boycotts and publishes the same monthly in said paper known as the American Federationist, of which he is the editor, appointed by the said members, which said paper in connection with said statement or summary, is declared to be the authorized and official mouthpiece of each of said sub-combinations, including the said United Hatters of North America. Said statement is declared by the defendants to be a faithful record of the doings of said agents, and
38 each of said statements, made during the period covered by the acts of the defendants against the plaintiffs herein stated, contains the announcement to the members of said combination and the public that all boycotts declared by them are being by them and their agents pushed, enforced and observed.

15. Said combination of persons collectively known as The American Federation of Labor, of which the defendants are members, was by the defendants and their other members, formed for the purpose, among others, of facilitating the declaration and successful maintenance of boycotts, by and for said combination of persons known as the United Hatters of
39 North America, acting through the said Federation of Labor and its other component parts or members, and it and its component parts have frequently declared boycotts, at the request of the defendants, against the business and product of various hat manufacturers, and have vigorously prosecuted the same by and through the powerful machinery at their command as aforesaid, in carrying out their general scheme herein stated, to the great damage and loss of bussiness to said manufacturers, and particularly during the years 1901 and 1902, they declared, prosecuted and waged, at the request of the defendants and their agents, a boycott against the hats made by and the busi-
40 ness of H. H. Roelofs & Co., of Philadelphia, Pa., until, by causing them great damage and loss of business, they coerced them into yielding to the demands of the defendants and their agents, that the factory of the said Roelofs & Co. be unionized, as termed by the defendants, and into agreeing to employ, and employing exclusively, members of their said combination in the making and finishing department of said factory, and in large measure, surrendering to the defendants and their agents, the control of said factory and business, all of which was well known to the plaintiffs, their customers, wholesale dealers and

the public, and was, by the defendants and their agents, widely proclaimed through all their agencies above mentioned, in connection with their acts against the plaintiffs, as hereinafter set forth, for the purpose of intimidating and coercing said wholesale dealers and their customers from buying the hats of the plaintiffs, by creating in their minds the fear that the defendants would invoke and put into operation against them, all said powerful means, measures and machinery, if they should handle the hats of the plaintiffs. 41

16. The defendants, together with the other persons united with them in said combination known as the United Hatters of North America, have been for many years, and now are, engaged in a combined scheme and effort to force all manufacturers of fur hats in the United States, including the plaintiffs, against their will and their previous policy of carrying on their business, to organize their workmen in the departments of making and finishing, in each of their factories, into an organization, to be part and parcel of the said combination known as the United Hatters of North America, or as the defendants and their confederates term it, to unionize their shops, with the intent thereby to control the employment of labor in and the operation of said factories, and to subject the same to the direction and control of persons other than the owners of the same, in a manner extremely onerous and distasteful to such owners, and to carry out such scheme, effort and purpose, by restraining and destroying the inter-state trade and commerce of such manufacturers, by means of intimidation of and threats made to such manufacturers and their customers in the several states, of boycotting them, their product and their customers.and by actually boycotting and procuring others to boycott them, their product and their customers, using therefor all the powerful means at their command as aforesaid, until such time as from the damage and loss of business resulting therefrom, the said manufacturers should yield to the said demand to unionize their factories. 42 43 44

17. The defendants and the other members of said United Hatters of North America, acting with them and in pursuance of said general combined scheme and purpose, and in carrying the same into effect against said manufacturers, including the plaintiffs, and by use of the means above stated, and the fear thereof, have, within a very few years, forced the following named manufacturers of hats in the United

States, to yield to their demands, and unionize their factories, viz. :

Austin, Drew & Co., Orange; A. C. Adams, Phila.; J. B. Allen, San Francisco; M. Budish, Newark; Bornheim & Strause, Phila.; M. Bonbau, Newark; F. Berg & Co., Orange; Louis Boselli, Paterson; J. A. Bragg & Co., Hoboken; B. Budish, Newark; Burgess & Co., Newark; Boutelier & Carr, Newark; Brennan, Carr & Co., Orange; Burgesser & Co., Newark; Crimond Bros., Newark; Fred S. Crane, Newark; Cohen & Greene, Newark; F. Cummings, Son & Co., Orange; Connett & Co., Newark; E. V. Connett & Co., Orange; Charles W. Dempster & Co., Chicago; B. Daly Hat Manufacturing Co., Newark; Fishman & Co., Newark; R. & L. Feldstein, New York; F. Fouratt, Milburn; Joseph Fisch, Newark; Joseph A. Heath, Hoboken; I. C. Hedden, Newark; Hackettstown Hat Works, Hackettstown; Johnson & Hannoch, Newark; F. Kridel, Newark; J. M. Klappolz, Newark; J. H. Long, Newark; G. F. Lewis, Jersey City; Morris Mandel, Newark; Miller, Newark; Samuel Munheim Co., Brooklyn; E. A. Mallory & Sons, Danbury; Edward Murphy, Brooklyn; Monarch Hat Co., Newark; Nichols & Co., Newark; Napier & Mitchell, Bellville; Price & Voght, Phila.; Pfeiffer & Co., Newark; H. D. Parmlee & Co., Newark; Penfield & Griffin Co., Bridgeport; Pacific Coast Hat Works, San Francisco; Joseph A. Parker, Boston; Priluker, Newark; Pioneer Hat Works, Wabash; Arthur Roeloffs & Co., Phila.; Redwing Hat Manufacturing Co., Redwing; Harry H. Roeloffs & Co., Phila.; C. B. Rutan & Co., West Orange; Frank Schoble & Co., Phila.; Stegman & Co., Newark; The Sigler Hat Co., Phila.; F. Smith & Son, Orange; Thomas Smith, Newark; Stewart & Smyth, Newark; Albert Sitz & Son, Newark; Shaw, Kerr & Co., Orange; Smith & Co., Newark; Silberstein & Flexner, Newark; Trimble-Cless Hat Co., Orange; Uniglicht & Co., Newark; O. Willegerod, Newark; E. R. Wessels, Jersey City; Westchester Hat Co., Yonkers; Wosnitzer & Co., Newark; Leigh Whittaker, South Norwalk; George B. Wells, Phila.; M. Yudisky, Newark; and until there remained, according to the statements of the defendants, only twelve hat factories in the United States which have not submitted to their said demands, and the defendants in pursuing their warfare against the plaintiffs, as hereinafter set forth, and in connection with their said acts against them, have made public announcement of that fact and of the firms so coerced by them, in order thereby to increase the

effectiveness of their acts in intimidating said wholesale dealers 49
and their customers in States other than Connecticut, from buying hats from the plaintiffs, as hereinafter set forh.

18. To carry out said scheme and purpose, the defendants have appointed and employed and do steadily employ, certain special agents to act in their behalf, with full and express authority from them and the other members of said combination, and under explicit instructions from them, to use every means in their power, to compel all such manufacturers of hats to so unionize their factories, and each and all of the defendants in this suit did the several acts hereinafter stated, either by themselves or their agents, by 50
them thereto fully authorized.

19. On or about March 1, 1901, in pursuance of said general scheme and purpose, the defendants and the other members of said combination, The United Hatters of North America, through their agents, the said John A. Moffit, Martin Lawlor, John Phillips, James P. Maher and Charles J. Barrett, who acted for themselves and the other defendants, demanded of the plaintiffs that they should unionize their said factory, in the making and finishing departments, and also thereby acquire the right to use and use, the said union label, subject to the right of the defendants to recall the same at 51
pleasure, in all hats made by them, and then notified the plaintitffs that if they failed to yield to said demand, the defendants and all the other members of the said combination known as the United Hatters of North America, would resort to their said usual and well-known methods to compel them so to do. After several conferences, and in April, 1901, the plaintiffs replied to the said demand of the defendants as follows:

"Firmly believing that we are acting for the best interests of our firm, for the best interests of those whom we employ, and for the best interests of Danbury, by operating an independent or open factory, we hereby notify you that we 52
decline to have our shop unionized, and if attacked, shall use all lawful means to protect our business interests."

The plaintiffs were then employing many union and non-union men, and their said factory was running smoothly and satisfactorily both to the plaintiffs and their employees. The defendants, their confederates and agents, deferred the execution of their said threat against the plaintiffs until the conclusion of their attack made in pursuance of the same general scheme and purpose against H. H. Roeloffs & Co., which re-

53 sulted in the surrender of said Roeloffs & Co., on July 15, 1902, except that the defendants, their confederates and agents, in November, 1901, caused the said American Federation of Labor to declare a boycott against any dealer or dealers who should handle the product of the plaintiffs.

20. On or about July 25, 1902, the defendants individually and collectively, and as members of said combinations and associations, and with other persons whose names are unknown to the plaintiffs, associated with them, in pursuance of the general scheme and purpose aforesaid, to force all manufacturers of fur hats, and particularly the plaintiffs, to so union-
54 ize their factories, wantonly, wrongfully, maliciously, unlawfully and in violation of the provisions of the "Act of Congress, approved July 2, 1890," and entitled "An Act to Protect Trade and Commerce Against Unlawful Restraints and Monopolies," and with intent to injure the property and business of the plaintiffs, by means of acts done which are forbidden, and declared to be unlawful, by said Act of Congress, entered into a combination and conspiracy to restrain the plaintiffs and their customers in States other than Connecticut, in carrying on said trade and commerce among the several States, and to
55 wholly prevent them from engaging in and carrying on said trade and commerce between them, and to prevent the plaintiffs from selling their hats to wholesale dealers and purchasers in said States other than Connecticut, and to prevent the said dealers and customers in said other States from buying the same, and to prevent the plaintiffs from obtaining orders for their hats from such customers, and filling the same, and shipping said hats to said customers in said States as aforesaid, and thereby to injure the plaintiffs in their property and business and to render unsaleable the product and output of their said factory, so the subject of interstate commerce, in
56 whosoever's hands the same might be or come, through said interstate trade and commerce, and to employ as means to carry out said combination and conspiracy and the purposes thereof, and accomplish the same, the following measures and acts, viz.:

To cause, by means of threats and coercion, and without warning and information to the plaintiffs, the concerted and simultaneous withdrawal of all the makers and finishers of hats then working for them, who were not members of their said combination, the United Hatters of North America, as well as those who were such members, and thereby cripple the operation of the plaintiffs' factory, and prevent the plaintiffs from filling

a large number of orders then on hand, from such wholesale dealers in States other than Connecticut, which they had engaged to fill and were then in the act of filling, as was well known to the defendants; in connection therewith to declare a boycott against all hats made for sale and sold and delivered, or to be so sold or delivered, by the plaintiffs to said wholesale dealers in States other than Connecticut, and to actively boycott the same and the business of those who should deal in them, and thereby prevent the sale of the same by those in whose hands they might be or come through said interstate trade in said several States; to procure and cause others of said combinations united with them in said American Federation of Labor, in like manner to declare a boycott against and to actively boycott the same and the business of such wholesale dealers as should buy or sell them, and of those who should purchase them from such wholesale dealers; to intimidate such wholesale dealers from purchasing or dealing in the hats of the plaintiffs by informing them that the American Federation of Labor had declared a boycott against the product of the plaintiffs and against any dealer who should handle it, and that the same was to be actively pressed against them, and by distributing circulars containing notices that such dealers and their customers were to be boycotted; to threaten with a boycott and to actively boycott those customers who should buy any goods whatever, even though union made, of such boycotted dealers, and at the same time to notify such wholesale dealers that they were at liberty to deal in the hats of any other non-union manufacturer of similar quality to those made by the plaintiffs, but must not deal in the hats made by the plaintiffs under threats of such boycotting; to falsely represent to said wholesale dealers and their customers, that the plaintiffs had discriminated against the union men in their employ, had thrown them out of employment because they refused to give up their union cards and teach boys, who were intended to take their places after seven months' instruction, and had driven their employes to extreme measures "by their persistent, unfair and un-American policy of antagonizing union labor, forcing wages down to a starvation scale, and giving boys and cheap unskilled foreign labor preference over experienced and capable union workmen," in order to intimidate said dealers from purchasing said hats by reason of the prejudice thereby created against the plaintiffs and the hats made by them, among those who might otherwise purchase them; to use the said union label

57 58 59 60

61 of said The United Hatters of North America as an instrument to aid them in carrying out said conspiracy and combination against the plaintiffs' and their customers' interstate trade aforesaid, and in connection with the boycotting above mentioned, for the purpose of describing and identifying the hats of the plaintiffs, and singling them out to be so boycotted; to employ a large number of agents to visit said wholesale dealers and their customers, at their several places of business, and threaten them with loss of business if they should buy or handle the hats of the plaintiffs, and thereby prevent them from buying said hats, and in connection therewith to cause said
62 dealers to be waited upon by committees representing large combinations of persons in their several localities to make similar threats to them; to use the daily press in the localities where such wholesale dealers reside, and do business, to announce and advertise the said boycotts against the hats of the plaintiffs and said wholesale dealers, and thereby make the same more effective and oppressive, and to use the columns of their said paper, the Journal of the United Hatters of North America, for that purpose, and to describe the acts of their said agents in prosecuting the same.

21. Afterwards, to wit, on July 25, 1902, and on divers
63 days since hitherto, the defendants in pursuance of said combination and conspiracy, and to carry the same into effect, did cause the concerted and simultaneous withdrawal, by means of threats and coercion made by them, and without previous warning or information thereof to the plaintiffs, of all but ten of the non-union makers and finishers of hats then working for them, as well as all of their union makers and finishers, leaving large numbers of hats in an unfinished and perishable condition, and did thereby cripple the operation of the plaintiffs' factory until the latter part of October, 1902, and thereby prevented the plaintiffs from filling a large num-
64 ber of orders then on hand from such wholesale dealers in States other than Connecticut, which they had engaged to fill and were then in the act of filling, as was well known to the defendants, and thereby caused the loss to the plaintiffs of many orders from said wholesale dealers, in other States, and greatly hindered and delayed them in filling such orders, and falsely represented to said wholesale dealers, their customers, and the public generally in States other than Connecticut, that the plaintiffs had discriminated against the union men in their employ, and had discharged or thrown out of employment their

union men in August 1902, that they had driven their employes 65
to extreme measures by their persistent, unfair and un-American policy of antagonizing union labor, forcing wages down to a starvation scale and giving boys and cheap, unskilled foreign labor preference over experienced and capable workmen; that skilled hatters had been discharged from said factory for no other cause than their devotion and adherence to the principles of organized labor in refusing to give up their union cards, and to teach the trade to boys who were intended to take the place of union workmen after seven months' instruction, and that unable to submit longer to a system of petty tyrannies that might be tolerated in Siberia but could not be borne by 66
independent Americans, the workmen in the factory inaugurated the strike to compel the firm to recognize their rights, in order to prejudice, and did thereby prejudice the public, against the plaintiffs and their product, and in order to intimidate, and did thereby intimidate said wholesale dealers and their customers, in States other than Connecticut, from purchasing hats from the plaintiffs by reason of the fear of the prejudice created against said hats; and in connection therewith declared a boycott against all hats made for and so sold and delivered, and to be so sold and delivered to said wholesale dealers, in States other than Connecticut, and actively boy- 67
cotted the same and the business of those who dealt in them in such other States, and thereby restrained and prevented the purchase of the same from the plaintiffs, and the sale of the same by those in whose hands they were, or might thereafter be, in the course of such interstate trade, and caused and procured others of said combinations united with them in the said American Federation of Labor to declare a boycott against the plaintiffs, their product and against the business of such wholesale dealers in States other than Connecticut, as should buy or sell them, and of those who should purchase from such wholesale dealers any goods whatever, and further intimi- 68
dated said wholesale dealers from purchasing or dealing in the hats made by the plaintiffs, as aforesaid, by informing them that the American Federation of Labor had declared a boycott against the hats of the plaintiffs and against any dealer who should handle them, and that said boycott was to be actively pressed against them, and by sending agents and committees from various of said labor organizations, to threaten said wholesale dealers and their customers with a boycott from

69 them if they purchased or handled the goods of the plaintiffs, and by distributing in San Francisco, California, and other places, circulars containing notices that such dealers and their customers were to be boycotted, and threatened with a boycott, and did actively boycott the customers who did or should buy any goods whatever, even though union made, of such wholesale dealers so boycotted, and used the daily press to advertise and announce said boycott and the measures taken in pursuance thereof by said labor organizations, particularly the San Francisco Bulletin, in its issues of July 2 and July 4, 1903, and a daily paper published in Richmond, Virginia, on Decem-
70 ber 10, 1902, and notified such wholesale dealers in States other than Connecticut, that they were at liberty to deal in the hats of any other non-union hat manufacturers of similar quality to those of the plaintiffs, but that they must not deal in the hats made by the plaintiffs, under threats of being boycotted for so doing, and used he said union label of the United Hatters of North America as an instrument to aid them in carrying out said combination and conspiracy against the plaintiffs' and their customers' interstate trade as aforesaid, and in connection with such boycotting by using the same and its absence from the hats of the plaintiffs, as an insignia or device to indi-
71 cate to the purchaser that the hats of the plaintiffs were to be boycotted, and to point them out for that purpose, and employed a large number of agents to visit said wholesale dealers and their customers at their several places of business in each of said States, particularly in Philadelphia and other places in the State of Pennsylvania, in Baltimore in the State of Maryland, in Richmond and other places in the State of Virginia, and in San Francisco and other places in the State of California, to intimidate and threaten them, if they should continue to deal in or handle the hats of the plaintiffs, and among many other instances of like kind, the said William C.
72 Hennelly and Daniel P. Kelley in behalf of all of said defendants, and acting for them, demanded from the firm of Triest & Co., wholesale dealers in hats, doing business in said San Francisco, that they should agree not to buy or deal in the hats made by the plaintiffs, under threats made by them to said firm of boycotting their business and that of their customers, and upon their refusing to comply with such demand and yield to said threats, the defendants by their said agents, caused announcement to be made in the newspapers of said city that said

Triest & Co. were to be boycotted therefor, and that the labor 73
council of San Francisco would be addressed by them for that purpose, and that they had procured a boycott to be declared by said labor council, and thereupon the defendants, through their said agents, Hennelly and Kelley, printed, published, issued and distributed to the retail dealers in hats, in the several States upon the Pacific coast the following circular, to wit:

"San Francisco Labor Council,
Affiliated with the American Federation of Labor,
Secretary's Office, 927 Market Street,
Rooms 405, 406, 407 Emma Spreckel's Building,
Meets every Friday, at 1159 Mission Street. 74
Telephone, South 447.
Address all communications to 927 Market Street.

San Francisco, July 3, 1903.

To whom it may concern:

At a special meeting of the San Francisco Labor Council held on the above date, the hat jobbing concern known as Triest & Co., 116 Sansome St., San Francisco, was declared unfair for persistently patronizing the unfair hat manufacturing concern of D. E. Loewe & Co., Danbury, Connecticut, where the union hatters have been on strike, for union conditions, since August 20th, 1902. Triest & Co. will be retained 75
on the unfair list as long as they handle the product of this unfair hat manufacturing concern. Union men do not usually patronize retail stores who buy from unfair jobbing houses or manufacturers. Under these circumstances, all friends of organized labor, and those desiring the patronage of organized workers, will not buy goods from Triest & Co., 116 Sansome St., San Francisco.

Yours respectfully,

G. B. Benham,
President S. F. Labor Council.
T. E. Zant, 76
Secretary S. F. Labor Council. [L. S.]
W. C. Hennelly,
D. F. Kelley,
Representing United Hatters of North America."

Also the following, to wit:

"San Francisco Labor Council,
Affiliated with the American Federation of Labor,
Secretary's Office, 927 Market Street,
Rooms 405, 406, 407 Emma Spreckel's Building,

77 Meets every Friday at 1159 Mission Street.
Telephone, South 447.
Address all communications to 927 Market Street.

San Francisco, July 14, 1903.

Messrs. ——— ———.

Gentlemen:

We beg leave to call your attention to the following products which are on the unfair list of the American Federation of Labor.

We do this in order that you refrain from handling these goods, as the patronage of the firms named below is taken by
78 the organized workers as an evidence of a desire to patronize those who are opposed to the interests of organized labor. The declaration of unfairness regarding the firms mentioned is fully sanctioned and will be supported to the fullest degree by the San Francisco Labor Council.

Trusting that you will be able to avoid the handling of these goods in the future, we are,

Yours respectfully,

San Francisco Labor Council,
G. B. Benham,
President.

79 T. E. Zant,
Secretary. (L. S.)

Unfair List.

Loewe & Co., Danbury, Conn., and Triest & Co., 116 Sansome St., San Francisco, Hat Manufacturers:

Cluett, Peabody & Co., Shirts and Collars, Troy, New York, and 582 Mission St., San Francisco, Cal.;

United Shirt and Collar Co., Troy, New York, and 25 Sansome St., San Francisco, Cal.;

Van Zandt, Jacobs & Co., Troy, New York, Greenbaum, Weil & Michaels, Selling Agents, 27 Sansome St., San Fran-
80 cisco, Cal.;

and caused said circulars to be mailed to and personally delivered to the retail dealers in hats, and the other customers of said Triest & Co., upon the Pacific coast, and to many others, thereby causing the loss of many orders and customers to said Triest & Co., and to the plaintiffs, for the purpose of intimidating and coercing the said Triest & Co., not to deal with the plaintiffs, and thereby caused the loss of many orders and customers to said Triest & Co., and to the plaintiffs.

22. By means of each and all of said acts done by the defendants in pursuance of said combination and conspiracy, they have greatly restrained, diminished, and, in many places, destroyed the trade and commerce of the plaintiffs with said wholesale dealers, in said States other than Connecticut, by the loss of many orders and customers directly resulting therefrom, and the plaintiffs have been injured in their business and property by reason of said combination and conspiracy, and the acts of the defendants done in pursuance thereof, and to carry the same into effect, which are declared to be unlawful by said Act of Congress, to the amount of eighty thousand ($80,000) dollars, to recover three fold which damages, under Section 7 of said Act this suit is brought. 81 82

By force of the statute aforesaid, the plaintiffs claim two hundred and forty thousand ($240,000) dollars damages.

And you are hereby further commanded to leave a true and attested copy of this writ and of the accompanying complaint, at least twelve days before the session of the Court, to which it is made returnable, with The Danbury National Bank, The City National Bank, The Savings Bank of Danbury, and the The Union Savings Bank of Danbury, corporations duly recognized and located and having their principal places of business in said Danbury, and The Fairfield County Savings Bank, Norwalk Savings Society, South Norwalk Savings Bank, National Bank of Norwalk, Fairfield County National Bank, Central National Bank and City National Bank of South Norwalk, corporations duly organized and located and having their principal places of business in said town of Norwalk, and with each of them, as they are the agents, trustees and debtors of each of said defendants, and have concealed in their hands the goods, effects and estate of each of said defendants and are indebted to them. 83

Elmore S. Banks, of Fairfield within said State and District of Connecticut, is recognized in the sum of $150 to prosecute, etc. 84

Of this writ with your doings thereon, make due return.

Witness the Honorable Melville W. Fuller, Chief Justice of the United States, and the Seal of said Circuit Court, at Hartford, in said District, this 31st day of August, 1903.

R. F. Carroll,
Deputy Clerk.

Davenport & Banks,
Attorneys for the Plaintiffs.

85

(MANDATE.)

The President of the United States of America,

[L. S.] To the Honorable the Judge of the Circuit Court of the United States for the District of Connecticut,

Greeting:

Whereas, lately in the Circuit Court of the United States for the District of Connecticut, before you or some of you, in a cause between Dietrich E. Loewe and Martin Fuchs, plain-
86 tiffs, and Martin Lawlor et al., defendants, No. 538, at law, wherein the judgment of the said Circuit Court, entered in said cause on the 24th day of December, A. D. 1906, is in the following words, viz. :

"This cause came to this Court, by writ and complaint, demanding $240,000 damages, on the second Tuesday of October, 1903, when the defendants appeared specially and pleaded in abatement, as on file; and thence to the second day of March, 1904, when the plaintiffs demurred to said plea in abatement; and thence to the 9th day of June, 1904, when the Court sustained the demurrer to said plea in abatement, and overruled
87 said plea; and thence to the 26th day of February, 1906, when the defendants demurred to the complaint, as on file; and thence to the 7th day of December, 1906, when the Court, having heard the parties, and on due consideration had, sustained the first, second, third, fourth, fifth and sixth grounds of said demurrer as contained in the first six paragraphs thereof, and ordered that the complaint be dismissed, and the plaintiffs duly excepted to the rulings of the Court in sustaining said several grounds of demurrer in said several paragraphs thereof and in ordering the complaint to be dismissed.

Whereupon, the plaintiffs not asking to amend their com-
88 plaint, it is ordered and adjudged, that the complaint in said action be, and the same is hereby, dismissed, with costs taxed in favor of the defendants in the sum of ten ($10) dollars.

By the Court:

R. F. Carroll,
Dep. Clerk."

as by the inspection of the transcript of the record of the United States Circuit Court of Appeals for the Second Circuit, which was brought into the Supreme Court of the United States by

virtue of a writ of certiorari, agreeably to the Act of Congress, in such case made and provided, fully and at large appears. 89

And whereas, in the present term of October, in the year of our Lord, one thousand nine hundred and seven, the said cause came on to be heard before the said Supreme Court, on the said transcript of record, and was argued by counsel:

On consideration whereof, it is now here ordered and adjudged by this Court that the judgment of the Circuit Court of the United States for the District of Connecticut in this cause be, and the same is hereby reversed with costs; and that the said plaintiffs recover against the said defendants, Martin Lawlor et al., One hundred and twenty-nine dollars and eighty 90 cents for their costs herein expended and have execution therefor.

And it is further ordered that this cause, be, and the same is hereby, remanded to the said Circuit Court with a direction to proceed in conformity with the opinion of this Court.

February 3, 1908.

You, therefore, are hereby commanded that such execution and further proceedings be had in said cause, in conformity with the opinion and judgment of this Court as according to right and justice, and the laws of the United States, ought to be had, the said writ of certiorari notwithstanding. 91

Witness, the Honorable Melville W. Fuller, Chief Justice of the United States, the 5th day of March, in the year of our Lord, one thousand nine hundred and eight.

James H. McKenney,

Clerk of the Supreme Court of the United States.

Costs of plaintiffs:

Clerk	$63.30
Printing Record	46.50
Attorney	20.00
	$129.80 92

SUPREME COURT OF UNITED STATES.

October Term, 1907.

Costs of Dietrich Loewe and another in No. 389.

1907. October Term.—Docketing cause and filing record, $5.00; appearance, .25; filing precipe and receipts, .75; filing papers,

93 $7.00; filing petition, .25; submission, .20; order, .20; issuing writ of certiorari, $5.00; filing return, .25; filing motion, .25; submission, .20; order, .20; filing briefs, $5.00; argument, .20; judgment, $1.00; filing same, .25; recording, .40; mandate, $5.00; preparing record for printer, etc., $31.50; cost of printing record, $46.50; attorney's docket fee, $20.00; costs and copy, .40; $129.80

94 Fee Book, page 20,792. $129.80

Test:

James H. McKenney,
Clerk of the Supreme Court of the United States.

(Endorsed)—538.—U. S. Circuit Court, District of Connecticut.—D. E. Loewe & Co. vs. Martin Lawlor et al.—Mandate of U. S. Supreme Court reversing a judgment of the U. S. Circuit Court, District of Connecticut, with costs, and directing that the suit be further proceeded with, in accordance with the opinion of said Supreme Court.—Filed Mar. 17, 1908.

95 E. E. Marvin,
Clerk.

CIRCUIT COURT OF THE UNITED STATES, DISTRICT OF CONNECTICUT.

D. E. Loewe and Martin Fuchs

vs.

Martin Lawlor et al.

96 No. 538. At Law.

Stipulation excluding from the transcript to the Court of Appeals all papers and proceedings contained in the former transcript, except the complaint and all the answers of defendants deceased or dropped on motion of plaintiffs prior to the filing of the petition for the Writ of Error.

It is stipulated by and between the attorneys for the plaintiffs and defendants, the Trial Judge hereto consenting, that all the papers and proceedings contained in the former trans-

cript of record in the above entitled cause to the Circuit Court of Appeals on the writ of error to reverse the judgment heretofore entered in said cause in favor of the defendants upon demurrer overruled, may be excluded from the transcript of record to the Circuit Court of Appeals on this writ of error, except the complaint; and further, that there may be excluded from said transcript of record all the answers heretofore filed by defendants, who are no longer parties to said cause, because they have died or have been voluntarily dropped by the plaintiffs, so that there shall be included in said transcript the answers of those defendants only who are still parties defendant in said action, and mentioned in the judgment entered in said cause on November 15 1912.

97 98

William Gordon Merritt
Attorney and of Counsel for Plffs.
Frank L. Mulholland
Attorney and of Counsel for Defts.

(Endorsed)—No. 538, at Law.—Circuit Court of the U. S., District of Connecticut.—D. E. Loewe and Martin Fuchs vs. Martin Lawlor et al.—Stipulation excluding from the transcript to the Court of Appeals all papers and proceedings contained in the former transcript, except the complaint, and all the answers of Defendants deceased or dropped on motion of Plaintiffs prior to the filing of the Petition for the Writ of Error.—Filed.

99

Daniel Davenport, of Bridgeport, and Walter G. Merritt, of New York, appear for the plaintiffs.

John K. Beach, of New Haven; Frank L. Mulholland, of Toledo, Ohio, appear for the defendants.

And thereafter and before the 12th day of October, 1909, the several defendants filed answers to the said complaint in the words and figures following, to wit:

100

101 UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT.

Case No. 538, Law. July 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT WILLIAM P. BAILEY.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant
102 has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, ex-
103 cept that he in common with members of said Bethel Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Dirctors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

104 (b) And this defendant further denies that the said United Hatters of North America is a combination or association of person otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of

said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 105

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 106

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 107

As to all the rest of said paragraphs, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 108

10. This defendant denies paragraphs 20, 21 and 22.

Defendant,

William P. Bailey.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher

109 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CHARLES BAILEY.

1. Paragraph 1 is admitted.

2. As to paragraph 2, 3, 4, 5, 6, 7 and 8, this defend-
110 ant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North
111 America, except that he in common with members of said Bethel Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefor alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty subcombinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

112 (b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbe-

fore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. **113**

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of the said paragraph this defendant has no knowledge or information sufficient to form a belief. **114**

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. **115**

As to all the rest of said paragraphs, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. **116**

10. This defendant denies paragraphs 20, 21 and 22.

Defendant William P. Bailey.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

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IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT FREDERICK BENEDICT

118

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National
119 Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Finishers' Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any
120 influence, or authority or control over said United Hatters of North America; or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of

Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 121

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered under the law. All of the rest of said paragraph is denied. 122

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 123

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 124

As to all the rest of said paragraphs, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21, and 22.

Defendant Frederick Benedict.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN CORDS.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Bethel, Connecticut, and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Finishers' Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said

United Hatters of North America; or any of the said 129
alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that 130
there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are 131
union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge 132
or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

1 **133** As to all the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Cords.

By his Attorneys,

1 **134** John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

1 **135** vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT VIRGIL DIBBLE.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits
1 **136** that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Finishers' Union is entitled once in every four years to vote for a

delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America; or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. **137**

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consist of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. **138**

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. **139**

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. **140**

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

141 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs or deferring the execution of any threats against the plaintiffs, or causing
142 of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Virgil Dibble.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

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IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT T. ARCHIBALD EVANS.

144

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living at Bethel, Connecticut; and denies that said Union is connected (except

in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Finishers' Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America; or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 145 146

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 147

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered under the law. All of the rest of said paragraph is denied. 148

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

149 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defend-
150 ant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

151 Defendant T. Archibald Evans.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

152 D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CHARLES FROST.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to

form a belief, except that it is admitted plaintiffs have a 153
factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known, as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat 154
Finishers' Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America; or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 155

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the 156
Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered

157 under the law. All of the rest of said paragraprh in denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

158 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the
159 plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever to be declared against the products of the plaintiffs' factory, or any dealer or
160 dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Charles Frost.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908. 161

D. E. Loëwe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT HOWARD S. GILBERT.

162

1. Paragraph 1 is admitted.

2. As to paragraph 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Finishers' Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America; or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 163 164

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of

165 Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

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5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest
167 of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

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9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott what-

soever to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 169

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Howard S. Gilbert,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908. 170

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT GEORGE H. GILBERT.

1. Paragraph 1 is admitted. 171

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Finishers' Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or 172

173 control over said United Hatters of North America; or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
174 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered under the law. All of
175 the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

176 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 177

10. This defendant denies paragraphs 20, 21 and 22.

Defendant George H. Gilbert.
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

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IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al. 179

ANSWERS OF DEFENDANT CHARLES GREEN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Bethel, Connecticut; and 180 denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Finishers' Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore al-

181 leges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America; or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors,
182 elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above de-
183 scribed—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of
184 persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. **185**

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Charles Green.

By his Attorneys,

John H. Light,

DeForest & Klein, **186**

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs. **187**

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN HALPIN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Finishers' Union is entitled once in every four years to vote for a delegate **188**

189 or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America; or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or associa-
190 tion of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

191 5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

192 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should

unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 193

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Halpin.

By his Attorneys, 194

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co. 195

vs.

Martin Lawlor et al.

ANWERS OF DEFENDANT REUBEN JOHNSON.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, 196 Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America,

1 197 except that he in common with members of said Bethel Hat Finishers' Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America; or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

1 198 (b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the 199 United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above de-described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest 200 of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19 this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 201

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 202

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Reuben Johnson.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908. 203

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT HENRY C. JUDD.

1. Paragraph 1 is admitted. 204

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the

205 United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Finishers' Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or con-
206 trol over said United Hatters of North America; or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
207 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered under the law. All of the rest of said paragraph is denied.

208 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. **209**

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. **210**

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Henry C. Judd.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

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IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANWERS OF DEFENDANT JOHN KANE.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. **212**

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies

213 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Finishers' Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America; or any of the said alleged twenty sub-combinations
214 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and herein-
215 before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is
216 a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons, including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. **217**

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. **218**

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Kane.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

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CIRCUIT COURT OF THE UNITED STATES, DISTRICT OF CONNECTICUT. AT LAW. No. 538.

D. E. Loewe et al.

vs.

Martin Lawlor et al.

ANSWER OF THE DEFENDANT MARTIN LAWLOR

1. Paragraph 1 is admitted.

2. As to paragraph 2 it is admitted that the plaintiff, D. E. Loewe, resides in Danbury. As to the rest of said paragraph 2, this defendant has no knowledge or information sufficient to form a belief. **220**

3. It is admitted that the plaintiffs have a factory at Danbury for making hats, and as to the rest of said paragraph 3 and paragraphs 4, 5, 6 and 7 and 8 this defendant has no knowledge or information sufficient to form a belief.

4. Paragraph 9 is denied. The United Hatters of North America is an organization composed of a President, Vice-

221 President, Secretary and Treasurer constituting the executive board of the association, and a board of ten directors; all of whom are elected for a term of four years by a convention of delegates from local trades unions of hat makers and finishers meeting for that purpose once every four years. Said local trades unions are entitled to representation at such convention on the basis of one delegate for every two hundred members. The members of said local trades unions who are not officers or directors of the United Hatters of North America have no other participation or membership in said United Hatters of North America, except the right to vote once in four years for
222 one or more delegates to a convention; and have absolutely no influence, or authority or control over the acts and conduct of said association known as the United Hatters of North America, except such as may be indirectly exercised upon the course of business before a convention by the delegates from the particular local union to which such member belongs.

5. As to paragraph 10, it is denied that there is any combination of persons collectively known as the United Hatters of North America, except as above admitted. It is admitted that the national organization as above described published at and prior to the date of the complaint a journal known as the
223 "Journal of United Hatters of North America." The rest of said paragraph is denied, except that it is admitted that copies of said journal were at and prior to the date of the complaint, distributed to the secretaries of local trades unions of hat makers and finishers.

6. As to paragraph 11, this defendant admits that the United Hatters of North America, as the same is above described, owns and controls a union label which is used to indicate that the hats to which it is affixed are union made hats, and that said label is legally registered under the law. All of the rest of said paragraph is denied.

224 7. As to paragraph 12, it is denied that the defendant is a member of the combination of persons known as the "American Federation of Labor." The local trades unions of hat makers and finishers and the United Hatters of North America, as above described, have no other membership in said American Federation of Labor, except that the quadrennial convention of the United Hatters of North America is entitled to elect three delegates to a convention of the American Federation of Labor held annually.

8. As to paragraph 13, this defendant denies that the so- 225
called American Federation of Labor is a combination of persons, including this defendant; and as to the rest of said paragraph, this defendant has no knowledge or information sufficient to form a belief.

9. Paragraph 14 is denied. The national organization known as the United Hatters of North America, as above described, employed four agents, and no more, for the purpose of creating and developing the market for union label hats.

10. As to paragraph 15, it is denied that the defendant is a member of the alleged combination of members known as the American Federation of Labor, and denied that the 226
American Federation of Labor was formed by or with the cooperation of said defendant, and denied that said Federation was formed for the purpose of facilitating the declaration and successful maintenance of boycotts by the alleged combination of persons known as the United Hatters of North America; and denied that it or its alleged component parts have frequently declared boycotts at the request of the defendants, or any of them.

It is admitted that the officers and Board of Directors of the United Hatters of North America and the American Federation of Labor at one time declared a boycott against the firm 227
of H. H. Roeloffs & Co. by appealing to union workmen not to buy hats made by said firm.

11. As to paragraphs 16, 17, 18, 20 and 21, they are denied.

12. As to paragraph 19, it is admitted that the persons named in said paragraph requested the plaintiffs to unionize their factory. It is denied that said persons threatened the plaintiffs in any manner, or deferred the execution of any alleged threat, or caused the American Federation of Labor to declare a boycott in November, 1901, or at any other time, against the plaintiffs or any dealer who handled the plaintiffs' 228
hats. As to the rest of said paragraph, this defendant has no knowledge or information sufficient to form a belief.

Defendant Martin Lawlor.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

229 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CHARLES LATHROP.

230 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies
231 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations
232 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and herein- **233**
before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a **234**
member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons, including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. **235**

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or **236**
any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Charles Lathrop.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher

237 CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT GEORGE W. MOREHOUSE.

238 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any
239 other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of
240 said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 241

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 242

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons, including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 243

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 244

10. This defendant denies paragraphs 20, 21 and 22.

Defendant George W. Morehouse.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

245 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT BYRON MORGAN.

246 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies
247 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four year or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in para-
248 graph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 249

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 250

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons, including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 251

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 252

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Byron Morgan.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

253 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT BARNEY MURPHY.

254 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he
255 has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in para-
256 graph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant furuther denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 257

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 258

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 259

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 260

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Barney Murphy.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

261 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT OWEN MURRY.

262 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies
263 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of Notrh America, or any of the said alleged twenty sub-combinations
264 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 265

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 266

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 267

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 268

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Owen Murry.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

269 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT WILLIAM OCHS.

270 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this atcion a member of a Local Hat Makers' Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he
271 has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in
272 paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 273

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 274

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 275

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 276

10. This defendant denies paragraphs 20, 21 and 22.

Defendant William Ochs.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

277 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT WILLIAM OHLER.

278 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he
279 has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in
280 paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 281

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 282

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 283

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 284

10. This defendant denies paragraphs 20, 21 and 22.

Defendant William Ohler,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

285 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT LEVI SHORT.

286 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any
287 other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph
288 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 289

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 290

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 291

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 292

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Levi Short,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

293 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT ORRIN SMITH.

294 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies
295 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the alleged twenty sub-combina-
296 tions referred to in paragraphs 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 297

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 298

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 299

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the excution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs factory, or any dealer or dealers who should handle the same. 300

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Orrin Smith,

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

301 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT WILLIAM STONE.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant
302 has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Bethel, Connetcicut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North Amer-
303 ica, except that he in common with members of said Bethel Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

304 (b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as here-

inafter and hereinbefore admitted, and admits that the 305
Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons 306
calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledeg or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowl- 307
edge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the executions of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against 308
the products of the plaintiff's factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant William Stone.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

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IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF MYRON TROWBRIDGE.

310

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called Na-
311 tional Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies
312 any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of

Directors elected every four years by a convention of dele- 313
gates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as 314
above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combina- 315
tion of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents for this defendant for that purpose.

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As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiff's factory, or any dealer or dealers who should handle the same.

317 10. This defendant denies paragraphs 20, 21 and 22.

Defendant Myron Trowbridge.
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

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318 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawler et al.

ANSWERS OF DEFENDANT PATRICK TROY.

1. Paragraph 1 is admitted.

319 2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Bethel, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Bethel Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control, over said United

Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 321

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America publish a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 322

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 323

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 324

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

325 As to all of the rest of said paragraphs, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Patrick Troy.

By his Attorneys,

326 John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

327 Martin Lawlor et al.

ANSWERS OF DEFENDANT THEOPHILUS ABIENISTE.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits
328 that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years

to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 329

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 330

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 331

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 332

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

333 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs,
334 or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Thoephilus Abieniste.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

335

In the United States Circuit Court for the District of Connecticut. Case No. 538. Law. July 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT ANDREW AITKIN.

1. Paragraph 1 is admitted.

336 2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticuit; and denies that said Union is connected (except in the manner herein set forth) with the so-called

National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 337 338

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 339

As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America publish a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 340

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

341 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unnionize their factory, but this defend-
342 ant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

343 Defendant Andrew Aitkin.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of Connecticut. Case No. 538, Law. July 11, 1908.

344

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT NICHOLAS ALLEN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7and 8, this defendant has not knowledge or information sufficient to

form a belief, except that it is admitted plaintiffs have a 345
factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat 346
Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 347

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as 348
the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which

349 is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

350 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as
351 to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the prod-
352 ucts of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Nicholas Allen.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

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IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT THOMAS H. ALLEN.

354

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of 355
North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he is in common with members of said Danbury Hat Finishers Union, is entitled once in a year to vote for delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence or authority or control over said United 356
Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of

357 delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as
358 above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that
359 the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for
360 that purpose.

As to all the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22. **361**

Defendant Thomas H. Allen,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908. **362**

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT DANIEL H. BARNES.

1. Paragraph 1 is admittted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant **363** has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North **364** America, except that he in common with members of said Danbury Hat Finishers Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years, or until their successors are elected; and this defendant expressly denies any influence or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations

365 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and herein-
366 before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraphs is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a
367 member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

368 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of

any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 369

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Daniel H. Barnes.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

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IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS DEFENDANT NICHOLAS W. BARZIN.

1. Paragraph 1 is admitted. 371

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of 372

373 North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
374 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

375 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
376 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 377

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Nicholas W. Barzin.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

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IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CLEMENS BESCHLE.

1. Paragraph 1 is admitted. 379

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any 380

381 of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the
382 United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

383 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
384 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any

threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 385

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Clemens Beschle.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

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IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT FREDERICK BLACKBURN.

1. Paragraph 1 is admitted. 387

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National 388 Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North

389 America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
390 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

391 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
392 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making

any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 393

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Frederick Blackburn.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 394

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN BLAKE. 395

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influ- 396

397 ence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
398 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union made hats, and that said label is legally registered, under the law.
399 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

400 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any 401
threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Blake.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

402

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT SIMON BLAKE.

1. Paragraph 1 is admitted. 403

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) At to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut, and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said Na- 404
tional Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of

405 North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
406 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

407 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
408 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 409

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Simon Blake.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 410

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT HERMAN H. BOHMAN. 411

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies 412 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any in-

413 fluence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
414 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.
415 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

416 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any 417
threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs, 20, 21 and 22.

Defendant Herman H. Bohman.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

418

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS DEFENDANT NELSON BOOTH.

1. Paragraph 1 is admitted. 419

2. As to paragraphs 2, 3. 4. 5. 6. 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said 420
National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of

421 North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
422 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

423 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
424 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 425

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Nelson Booth.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

426

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE No. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JAMES N. BONGHEY.

1. Paragraph 1 is admitted. 427

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of 428

429 North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
430 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

431 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
432 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any

threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 433

10. This defendant denies paragraphs 20, 21 and 22.

Defendant James N. Bonghey.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

434

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT THOMAS BOYD.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 435

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub com- 436

437 binations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and herein-
438 before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is
439 a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

440 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any

threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Thomas Boyd.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PETER J. BRENNAN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub com-

445 binations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and herein-
446 before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is
447 a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

448 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraphs, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatso-

ever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 449

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Peter J. Brennan.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

450

IN THE UNITED STATES CIRCUIT COURT OF THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT ALPHONSE BRESSON.

451

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies 452 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any

453 influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
454 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All
455 of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

456 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any 457
threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Alphonse Bresson.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

458

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT THEODORE BRIGHT.

1. Paragraph 1 is admitted. 459

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said 460
National Organization, known as the United Hatters of North America, except that he in common with memebers of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as the defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of

461 North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
462 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All the rest of said paragraph is denied.

463 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
464 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties hamed therein, demanded that the plaintiffs should unionize their factory, buf this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defndant expressly denies making any threats against the plaintiffs, or deferring the execution of any

threats against the plaintiffs, or causing any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 465

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Theodore Bright.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

466

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT BYRON S. BROOKS.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 467

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combin- 468

469 ations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and herein-
470 before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is
471 a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no konwledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

472 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraphs, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatso-

ever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 473

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Byron S. Brooks.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

474

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT ANDREW G. BROWN.

475

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

(3.) (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he 476 has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority

477 or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
478 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of
479 the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

480 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any 481
threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Andrew G. Brown,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

482

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CHAUNCEY H. BUTLER.

483

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he 484
has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority

485 or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is
486 any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of
487 the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

488 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any 489
threats against the plainiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Chauncey H. Butler.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

490

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JAMES P. CALLAHAN.

1. Paragraph 1 is admitted. 491

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said Na- 492
tional Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North

493 America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
494 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

495 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and
496 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any

threats against the plainiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 497

10. This defendant denies paragraphs 20, 21 and 22.

Defendant James P. Callahan,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

498

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN J. CALLAHAN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 499

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations 500

501 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinb-

502 fore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is

503 a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

504 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott what-

soever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 505

10. This defedant denies paragraphs 20, 21 and 22.

Defendant John J. Callahan,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

506

In the United States Circuit Court for the District of Connecticut. Case No. 538, Law. July 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT ARCHILLE CANALE.

507

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so cal'ed National Organization, known as the United Hatters of North America, and denies 508
that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence.

509 or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, eelcted every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is
510 any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.
511 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

512 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 513

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Archille Canale,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 514

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT THOMAS J. CASSIDY. 515

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies 516 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence,

517 or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
518 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.
519 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

520 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraphs 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 521

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Thomas J. Cassidy,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

522

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT WILLIAM CLANCY.

1. Paragraph 1 is admitted. 523

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of 524

525 North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
526 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

527 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and
528 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any

threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 529

10. This defendant denies paragraphs 20, 21 and 22.

Defendant William Clancy,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

530

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT ELMER R. CLARK.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 531

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in 532

533 paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and herein-
534 before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is
535 a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

536 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott what-

soever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. **537**

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Elmer R. Clark.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

538

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN H. COLLINS.

539

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this atcion a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies **540** that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence,

541 or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is
542 any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of
543 the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

544 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any 545
threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John H. Collins,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

546

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT LEWY W. COMES

1. Paragraph 1 is admitted. 547

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National 548
Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any

549 of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
550 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

551 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and
552 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any

threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 553

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Lewy W. Comes,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

554

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PATRICK CONNOLLY.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 555

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations 556

557 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and herein-
558 before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is
559 a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

560 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott what-

soever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 561

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Patrick Connolly.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of Connecticut. Case No. 538, Law. July 11, 1908. 562

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT MICHAEL W. CORBETT.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 563

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges eelcts a Board of Dirctors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations 564

565 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and herein-
566 before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is
567 a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

568 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott what-

soever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 569

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Michael W. Corbett,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

8

570

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JAMES D. COSTELLO. 9

571

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges, elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any

30

572

573 influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
574 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.
575 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

576 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 577

10. This defendant denies paragraphs 20, 21 and 22.

Defendant James D. Costello,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

578

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JAMES H. CRAFT.

1. Paragraph 1 is admitted. 579

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North Amer- 580

581 ica, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
582 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

583 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and
584 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any

threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 585

10. This defendant denies paragraphs 20, 21 and 22.

Defendant James H. Craft,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

586

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT BYRON W. CRANE.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 587

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations re- 588

589 ferred to in paragraph 9 of said complaint, except that he ad-
58 mits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as here-
590 inafter and hereinbefore admitted, and admits that the
5! Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

591 6. As to paragraph 12, this defendant denies that he
5 is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
592 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory or any dealer or dealers who should handle the same. 593

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Byron W. Crane.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

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IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

595

ANSWERS OF DEFENDANT JAMES CROTTY.

1. Parargraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendand is informed and believes and therefore alleges elects 596

597 a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said
598 United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

599 5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowl-
600 edge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as

to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 601

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsover, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 602

10. This defendant denies paragraphs 20, 21 and 22.

Defendant James Crotty.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908. 603

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN CROTTY

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 604

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut, and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization,

605 known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph
606 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known
607 as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is
608 denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of

said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 609

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to 610 form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Crotty.

By his Attorneys,

John H. Light,

DeForest & Klein, 611

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of Connecticut. Case No. 538, Law. July 11, 1908.

D. E. Loewe & Co. 612

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PETER T. CURRIE.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to

613 form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as
614 the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said
615 complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

616 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above

described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 617

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 618

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 619

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 620

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Peter T. Currie.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

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IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

622 ANSWERS OF DEFENDANT WILLIAM DEAKIN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

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(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of

delegates, which meets for a few days and then is dis- 625
solved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that 626
the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowl- 627
edge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

628

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly de-

629 nies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant William Deakin.

By his Attorneys,

John H. Light,

DeForest & Klein,

630 H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

631 ANSWERS OF DEFENDANT GEORGE F. DENTON.

1. Paragraph 1 is admitted.

2. As to paragraphs, 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North 632 America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their

successors are elected; and this defendant expressly de- 633
nies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dis- 634
solved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which 635
is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraphs this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combina- 636
tion of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this de-

637 fendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

638 10. This defendant denies paragraphs 20, 21 and 22.

Defendant George F. Denton.
By his Attorneys.
John H. Light,
DeForest & Klein.
H. W. Taylor.
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

639 D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDAT JAMES DILLON.

1. Paragraph 1 is admitted.

2. As to paragraphs, 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

640 3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers'

Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. **641**

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. **642**

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. **643**

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. **644**

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

645 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies
646 making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant James Dillon.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
647 Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of Connecticut. Case No. 538, Law. July 11, 1908.

D. E. Loewe & Co.

vs.

648 Martin Lawlor et al.

ANSWERS OF DEFENDANT WILLIAM S. DUTCHER.

1. Paragraph 1 is admitted.

2. As to paragraphs, 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits 649
that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to 650
vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said 651
United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of 652
Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally regis-

653 tered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combina-
654 tion of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant
655 denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

656 10. This defendant denies paragraphs 20, 21 and 22.

Defendant William S. Dutcher.
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908. **657**

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN DYER.

1. Paragraph 1 is admitted. **658**

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, **659** known as the United Hatters of North America, except that he in common with members of said Danbury, Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said **660** alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

661 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which
662 is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered under the law. All of the rest of said paragraphs is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

663 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as
664 to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the

products of the plaintiffs' factory, or any dealer or dealers 665
who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Dyer.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of 666
Connecticut. Case No. 538, Law. July 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN ELLEGETT.

1. Paragraph 1 is admitted.

2. As to paragraphs, 2, 3, 4, 5, 6, 7 and 8, this de- 667
fendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to pargraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except 668
that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies elects a Board of Directors, of said United Hatters Hatters off North America, or any of the said alleged

669 twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

670 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.

671 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraphs this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

672 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any 673
threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Ellegett,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

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IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PATRICK ELLEGETT.

1. Paragraph 1 is admitted. 675

2. As to paragraphs 2, 3 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of 676

677 North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known
678 as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered under the law. All of the rest of said paragraph is denied.

679 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
680 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies

making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs factory, or any dealer or dealers who should handle the same. 681

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Patrick Ellegett.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 682

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CARL ERDMAN. 683

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies 684 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any

685 influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

686 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.

687 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

688 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form

a belief, except that the defendant expressly denies making any **689**
threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Carl Erdman.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. **690**

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT TIMOTHY H. FARRELL. **691**

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies **692**
that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any

693 influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

694 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.

695 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or associatoin of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

696 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. **697**

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Timothy H. Farrell.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

698

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PATRICK J. FEELEY.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. **699**

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or **700**

701 any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
702 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

703 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
704 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of **705**
any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Patrick J. Feeley

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher. **706**

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PATRICK J. FISHER.

707

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies **708**
that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any

709 influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
710 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.
711 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

712 8. This defendant denies paragraphs, 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form

a belief, except that the defendant expressly denies making any 713
threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Patrick J. Fisher.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 714

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT EMIL FLOYSKE. 715

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies 716
that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any

717 influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
718 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors, of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.
719 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

720 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any 721
threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Emil Floyske.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

722

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT THOMAS FOLEY.

1. Paragraph 1 is admitted. 723

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said 724
National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence or authority or control over said United Hatters of North

725 America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
726 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

727 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
728 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any 729
threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Thomas Foley.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

730

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PETER GALLAGHER.

1. Paragraph 1 is admitted. 731

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said 732
National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegtaes to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of

733 North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
734 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

735 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
736 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 737

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Peter Gallagher.

By his Attorneys,
John H. Light.
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

738

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CHRISTIAN GARNI.

1. Paragraph 1 is admitted. 739

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North 740

741 America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
742 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

743 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
744 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of

any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 745

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Christian Garni.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

746

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT WILLIAM GEARTNER.

1. Paragraph 1 is admitted. 747

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North 748

749 America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
750 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is said to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

751 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
752 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 753

10. This defendant denies paragraphs 20, 21 and 22.

Defendant William Geartner.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

754

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT MARTIN GORMAN.

1. Paragraph 1 is admitted. 755

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters 756

757 of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
758 Hatters of America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

759 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17
760 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any

threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 761

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Martin Gorman.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

762

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT MICHAEL C. GRIFFIN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 763

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub com- 764

765 binations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

766

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

767

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

768

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatso-

ever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 769

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Michael C. Griffin

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

770

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT WRIGHT HAMPSON.

771

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies 772 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any

773 influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
774 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.
775 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

776 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 777

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Wright Hampson.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

778

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT DAVID J. HARDY.

1. Paragraph 1 is admitted. 779

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North 780

781 America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
782 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

783 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant, and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and
784 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any

threats against the plaintiffs, or causing of any boycott what- 785
soever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same

10. This defendant denies paragraphs 20, 21 and 22.

Defendant David J. Hardy,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

786

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT ALEXANDER HARKNESS.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant 787
has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North 788
America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations

789 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and herein-
790 before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is
791 a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

792 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott what-

soever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 793

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Alexander Harkness,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

794

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN HARKNESS.

795

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies 796 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence,

797 or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
798 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.
799 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

800 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats

against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiff's factory, or any dealer or dealers who should handle the same. 801

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Harkness,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

802

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PATRICK HART.

1. Paragraph 1 is admitted. 803

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said 804 National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North

805 America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the
806 United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

807 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and
808 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats

against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiff's factory, or any dealer or dealers who should handle the same. 809

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Patrick Hart,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

810

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN HASSETT. 811

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, 812 known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors

813 are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

814 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made
815 hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof
816 sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose

As to all the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief,

except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiff's factory, or any dealer or dealers who should handle the same. 817

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Hassett,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 818

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT STEPHEN HAVRAN. 819

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or 820

821 authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there
822 is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.
823 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

824 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 825

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Stephen Havran,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

826

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT MICHAEL HENNESSY.

1. Paragraph 1 is admitted. 827

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North Amer- 828

829 ica, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United
830 Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

831 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and
832 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any

threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory or any dealer or dealers who should handle the same. 833

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Michael Hennessy,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

834

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT GEORGE M. HERRICK.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 835

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations 836

837 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbe-
838 fore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a
839 member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

840 9. As to paragrah 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott what-

soever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. **841**

10. This defendant denies paragraphs 20, 21 and 22.

Defendant George M. Herrick.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

842

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CHARLES A. HODGE.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. **843**

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations refer- **844**

845 red to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

846

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

847

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

848

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott what-

soever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 849

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Charles A. Hodge,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

850

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT ADOLPH HOLDEICHEL

851

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies 852
that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence,

853 or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragrah 10, this defendant denies that there is
854 any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law.
855 All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

856 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any

threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. **857**

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Adolph Holdeichel,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

858

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT NATHAN C. HOY. **859**

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North **860**

861 America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which
862 meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to
863 indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said para-
864 graph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 865

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Nathan C. Hoy,
By his Attorneys,
John H. Light,
DeForest & Klein, 866
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs. 867

Martin Lawlor et al.

ANSWERS OF DEFENDANT WILLIAM HUMPHRIES.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote 868

869 for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or associa-
870 tion of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

871 5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

872 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should

unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 873

As to all the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant William Humphries,
By his Attorneys, 874
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co. 875

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PATRICK F. HUNT.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, 876 Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North

877 America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

878 (b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the
879 United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest
880 of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 881

As to all the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 882

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Patrick F. Hunt,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

U. S. Circuit Court, District of Connecticut, July 11, 1908. 883

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

SEPARATE ANSWER OF CHARLES HURD.

1. This defendant denies that at the time of the grievances set forth in the complaint he was a member of any of the organizations mentioned in the complaint. 884

2. All the rest of the allegations in the complaint, this defendant has no knowledge or information sufficient to form a belief.

Defendant by his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

885 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT MICHAEL HURD.

886 1. Paragraph 1 is admited.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies
887 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations
888 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 889

5. As to paragrah 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 890

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 891

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats aginst the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 892

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Michael Hurd.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

893 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PATRICK E. JEFFREY.

894 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any
895 other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in
896 paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and herein- 897
before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is 898
a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 899

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' 900
factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Patrick E. Jeffrey,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

901 U. S. CIRCUIT COURT, DISTRICT OF CONNECTICUT.
JULY 11, 1908.

SEPARATE ANSWER OF DAVID KEARNS.

1. This defendant denies that at the time of the grievances set forth in the complaint he was a member of any of the organizations mentioned in the complaint.

2. All the rest of the allegations in the complaint this defendant has no knowledge or information sufficient to form a belief.

902

Defendant by his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

903 D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT MARTIN KEATING.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

904 3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the socalled National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this

defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 905

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 906

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 907

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 908

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defend-

909 ant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

910 10. This defendant denies paragraphs 20, 21 and 22.

Defendant Martin Keating.
By his Attorneys,
John H. Light.
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

911 D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT THOMAS KEENAN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

912 3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat

Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. **913**

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. **914**

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North Amreica, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. **915**

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. **916**

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of

917 persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant
918 has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Thomas Keenan.

By his Attorneys,

John H. Light,

919 DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

920

ANSWERS OF DEFENDANT DANIEL P. KELLY.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a

Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 921 922

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 923

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 924

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of

925 persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

926 As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Daniel P. Kelly.

By his Attorneys,

927 John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

928

ANSWERS OF DEFENDANT MICHAEL F. KENNEY.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendand has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this atcion a member of a

Local Hat Finishers Union, living in Danbury, Connecticut; 929
and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their suc- 930
cessors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 931

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made 932
hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination

933 of persons including this defendant: and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

934 As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Michael F. Kenney.

935 By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of Connecticut. Case No. 538, Law. July 11, 1908.

936 D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN KEOUGH.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that **937**
he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore al- **938**
leges elects a Board of Directors of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, **939**
elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above de- **940**
scribed—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

941 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies
942 that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Keough.

943 By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of Connecticut. Case No. 538, Law. July 11, 1908.

D. E. Loewe & Co.

944 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CHARLES J. KING.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 945 946

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 947

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 948

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

§ 949 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies
§ 950 that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

§ 951 Defendant Charles J. King.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

§ 952 D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT FRANK KORNHASS.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that we was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (excet in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 953 954

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 955

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America, published a Journal of the United Hatters of Norh America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 956

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

957 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plain-
958 tiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs, factory, or any dealer or dealers who should handle the same.

959 10. This defendant denies paragraphs 20, 21 and 22.

Defendant Frank Kornhass.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

960 D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT FRANK E KREBS.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 961 962

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 963

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 964

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

965 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies
966 that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

967 10. This defendant denies paragraphs 20, 21 and 22.

Defendant Frank E. Krebs.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

968 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT MARTIN LAUF.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 969 970

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 971

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 972

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

973 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said par-

974 ties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Martin Lauf.

975 By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

976 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT EDWARD D. LEES.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 977 978

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 979

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 980

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

981 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies
982 that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

983 Defendant Edward D. Lees.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of Connecticut. Case No. 538. Law. July 11, 1908.

D. E. Loewe & Co.

984 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN LEONARD.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3 (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 985 986

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 987

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which is it affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 988

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

247

989 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies
990 that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Leonard.

991 By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

992 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT THOMAS LEONARD.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 993 994

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 995

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 996

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

997 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said

998 parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Thomas Leonard.

By his Attorneys,

999 John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

1000 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT MICHAEL F. LYNCH.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1001 1002

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 1003

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journl of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1004

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

1005 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said
1006 parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Michael F. Lynch.

By his Attorneys,
1007 John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of Connecticut. Case No. 538. Law. July 11, 1908.

D. E. Loewe & Co.

1008 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN MORRIS.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership of participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1009 1010

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 1011

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1012

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

1013 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies
1014 that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Morris.

1015 By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

1016 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JEREMIAH McCARTHY.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1017 1018

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 1019

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1020

6. As to pragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

1021 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies
1022 that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Jeremiah McCarthy.

1023 By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

1024 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PATRICK McCARTHY.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1025 1026

(b) And this defendant further denies taht the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 1027

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1028

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

1029 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said par-
1030 ties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Patrick McCarthy.

By his Attorneys,

1031 John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

VS.

1032 Martin Lawlor et al.

ANSWERS OF DEFENDANT PATRICK T. McCARTHY.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that is it admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1033 :1 1034 12

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 1035 13

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1036 14

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

1037 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs, 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies
1038 that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Patrick T. McCarthy.

1039 By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of Connecticut. Case No. 538, Law. July 11, 1908.

D. E. Loewe & Co.

1040 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT MARTIN McCUE.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that 1041
he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makes' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore al- 1042
leges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, 1043
elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above de- 1044
scribed—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

1045 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies
1046 that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Martin McCue.

1047 By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

1048 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT THOMAS P. McGAULEY.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that 1049
he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members in said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore al- 1050
leges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, 1051
elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the 1052
United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said pargraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

1053 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies
1054 that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Thomas P. McGauley.

1055 By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

1056 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT MARTIN McGETTRICK.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that 1057
he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which
as this defendant is informed and believes and therefore al- 1058
leges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United
Hatters of North America consists of a Board of Directors, 1059
elected every four years by a convention of delegates which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the
United Hatters of North America—as the same as above de- 1060
scribed—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

1061 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledege or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said par-

1062 ties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Martin McGettrick.

By his Attorneys,

1063 John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

1064 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JAMES McGLONE.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that 1065
he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which
as this defendant is informed and believes and therefore alleges 1066
elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence or authority or control over said United Hatters of North America, or any of said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United
Hatters of North America consists of a Board of Directors, 1067
elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said Unied Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the
United Hatters of North America—as the same as above de- 1068
scribed—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union made hats, and that said label is legally registered, under the law. All the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

1069 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that
1070 said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiff's factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant James McGlone,

By his Attorneys,
1071 John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.
1072
vs.
Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN McGLONE.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1073 1074

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 1075

4. As to paragraph 10, this defendant denies that there is any combination or persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1076

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

1077 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said
1078 parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the produtes of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John McGlone.

1079 By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

1080 D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PETER McGLONE.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

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3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

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(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

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1083

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

92

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

1084

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

1085 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said
1086 parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficinet to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Peter McGlone.

1087 By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

1088 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PATRICK McGRATH.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits 1089
that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote
for a delegate or delegates to a Convention which as this 1090
defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said 1091
United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the 1092
Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally regis-

1093 tered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combina-
1094 tion of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this de-
1095 fendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraphs, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

1096

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Patrick McGrath.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

1097 05

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CHARLES McHAN.

1098 06

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

1099 07

1100 08

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of

1101 delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

1102 5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph, 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

1103 7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this de-

1104 fendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the smae.

10. This defendant denies paragraphs 20, 21 and 22. **1105**

Defendant Charles McHan.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908. **1106**

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT THOMAS McHUGH.

1. Paragraph 1 is admitted.

2. As to paragraph 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of **1107** hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat **1108** Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph

1109 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known
1110 as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is
1111 denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

1112 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient

to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1113

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Thomas McHugh.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1114

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT DANIEL McINERNEY. 1115

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore 1116

1117 alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that
1118 said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

1119 5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has
1120 no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief

as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 1121

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats aginst the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1122

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Daniel McInerney.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908. 1123

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT FRANK MEATH.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 1124

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other mem-

1125 bership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said
1126 alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that
1127 there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union made hats, and that said label is legally
1128 registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the

rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1129

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient 1130
to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Frank Meath.

By his Attorneys,
John H. Light,
DeForest & Klein, 1131
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al. 1132

ANSWERS OF DEFENDANT HENRY MESSER.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

1133 3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which
1134 as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United
1135 Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the
1136 United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1137

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpos. 1138

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Henry Messer.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1139

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs. 1140

Martin Lawlor et al.

ANSWERS OF DEFENDANT HENRY C. MICHEAL.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

1141 3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which
1142 as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United
1143 Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the
1144 United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1145 53

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 1146 54

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Henry C. Micheal.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1147 55

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs. 1148 56

Martin Lawlor et al.

ANSWERS OF DEFENDANT GEORGE MILLER.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

1149 3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which
1150 as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United
1151 Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

1152 5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1153

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 1154

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant George Miller.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1155

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs. 1156

Martin Lawlor et al.

ANSWERS OF DEFENDANT GUSTAVE MONGIN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

1157 3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which
1158 as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United
1159 Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the
1160 United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1161

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 1162

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Gustave Mongin.

By his Attorneys,

John H. Light, 1163
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908

D. E. Loewe & Co.

vs.

Martin Lawlor et al. 1164

ANSWERS OF DEFENDANT EUGENE L. MULKIN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a

1165 Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegate to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of
1166 North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which
1167 meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to
1168 indicate that the hats to which it is affixed, are union made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination

of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1169

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1170

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Eugene L. Mulkin.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1171

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT DANIEL MURPHY 1172

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this atcion a member of a Local Hat Makers Union, living in Danbury, Connecticut;

1173 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are
1174 elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1175 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made
1176 hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1177

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1178

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Daniel Murphy.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1179

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al. 1180

ANSWERS OF DEFENDANT TIMOTHY MURRY.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3 (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a

1181 Local Hat Makers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore al-
1182 leges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which
1183 meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to
1184 indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of

persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1185

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1186

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Timothy Murry.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1187

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN B. NOWLAN. 1188

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut;

1189 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Dirctors, of said United Hatters of North America, for the term of four years or until their suc-
1190 cessors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1191 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made
1192 hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1193

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any 1194 threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John B. Nowlan.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1195

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT WILLIAM V. NOWLAN. 1196

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut;

1197 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their suc-
1198 cessors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1199 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made
1200 hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said parargaph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1201

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any 1202 threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant William V. Nowlan.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1203

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT GEORGE T. OAKLEY. 1204

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut;

1205 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of
1 1206 North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which
1 1207 meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to
1 1208 indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1209 17

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any 1210 18 threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott, whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant George T. Oakley.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1211 19

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PETER O'BOY. 1212 20

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut;

1213 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their suc-
1214 cessors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1215 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made
1216 hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1217

8. This defendant denies paragraphs, 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any 1218 threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Peter O'Boy.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1219

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT LOUIS E. ORTON. 1220

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut;

1221 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

1222

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1223 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made

1224 hats, anad that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calilng themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1225 3

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1226 4

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Louis E. Orton.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1227

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT DANIEL J. OSBORNE. 1228

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut;

1229 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of
1230 North America, for the terms of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1231 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made
1232 hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1233

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1234

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Daniel J. Osborne.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor, 1235

Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT ALVAH S. PEARCE. 1236

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut;

1237 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their suc-
1238 cessors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1239 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made
1240 hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1241

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any 1242
threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Alvah S. Pearce.

By his Attorneys,
John H. Light.
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1243

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT GEORGE H. PHILLIPS. 1244

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut;

1245 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their suc-
1246 cessors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1247 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made
1248 hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1249

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any 1250 threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant George H. Phillips.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1251

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PETER PICKEN. 1252

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that is it admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut;

1253 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors
1254 are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1255 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made
1256 hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1257

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making 1258 any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Peter Picken.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor, 1259
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT ARTHUR I. PICKETT. 1260

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut;

1261 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common wtih members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges, elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors
1262 are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1263 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats,
1264 and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said para-

graph this defendant has no knowledge or information thereof sufficient to form a belief. 1265

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1266

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Arthur I. Pickett,

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher. 1267

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN PRIBULA. 1268

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut; and

11269 denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hattters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until tneir
11270 successors are elected; and this defendant expressly denies any influence or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention or delegates, which meets for a few days and then is dissolved.

11271 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made
11272 hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1273 1

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats, against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1274 2

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Pribula.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1275 3

In the United States Circuit Court for the District of Connecticut. Case No. 538, Law. July 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JACOB PRINZ. 1276 4

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut;

1277 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are
1278 elected; and this defendant expressly denies any influence or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinaions referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved

1279 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made
1280 hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1281

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that the said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1282

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Jacob Prinz.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1283

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CHRISTIAN RHEINHOLD. 1284

1. Paragraph 1 is admitted.

2. As to paragraph 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that is it admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Danbury, Connecticut;

1285 and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or control or authority over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

1286

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1287

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

1288

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1289

8. This defendant denies paragraphs 14, 15, 16, 17, and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any 1290
threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Christian Rheinhold.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1291

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT FRANK ROHDE.

1. Paragraph 1 is admitted. 1292

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to Paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (ex-

1293 cept in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until
1294 their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of
1295 delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as
1296 above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats ,and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that **1297**
the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this de- **1298**
fendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or daelers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22. **1299**

Defendant Frank Rohde.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

1300

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT FRANK E. SEAMAN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have

1301 a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization,
1302 known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or deelgates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph
1303 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1304 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America publish a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as

above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1305

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 1306

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 1307

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1308

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Frank E. Seaman.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

1309

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO: 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT HUGH SHALVOY.

1310

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

1311

1312

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of

Directors, elected ever four years by a convention of 1313
delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that 1314
the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that 1315
the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this de- 1316
fendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

1317 10. This defendant denies paragraphs 20, 21 and 22.

Defendant Hugh Shalvoy.
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE No. 538, LAW. JULY 11, 1908.

1318

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CHARLES F. SHAFFER.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to
1319 form a belief, except that it is admitted plaintiffs have a foctory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization,
1320 known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said

alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1321

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1322

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1323

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1324

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

1325 As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Charles F. Shaffer.

1326 By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

1327 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT FREDERICK STAHL.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

1328 3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to

vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1329

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 1330

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1331

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 1332

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

1333 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or
1334 causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Frederick Stahl.
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1335 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE No. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT GEORGE STUCKY.

1. Paragraph 1 is admitted.

1336 2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of

North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1337 1338

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there in any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1339

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1340

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or inforamtion sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combina-

1341 tion of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

1342 As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant George Stucky.

By his Attorneys,

1343 John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of Connecticut. Case No. 538, Law. July 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

1344

ANSWERS OF DEFENDANT MICHAEL SULLIVAN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plantiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a

Local Hat Finishers Union, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1345 1346

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 1347

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1348

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of per-

1349 sons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

1350 As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Michael Sullivan,
By his Attorneys,
John H. Light,
DeForest & Klein,
1351 H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

1352 ANSWERS OF DEFENDANT WILLIAM S. SULLIVAN

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Danbury, Connecticut:

and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1353 1354

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1355

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1356

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said para-

1357 graph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a be-

1358 lief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant William S. Sullivan,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1359

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

1360 ANSWERS OF DEFENDANT JOSEPH TOSI.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Danbury, Connecticut;

and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America except that he in common with members of said Danbury Hat Finishers' Union is entitled, once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1361 1362

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 1363

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1364

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of

1365 persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

1366 As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Joseph Tosi,
By his Attorneys,
John H. Light,
DeForest & Klein,
1367 H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

1368 ANSWERS OF DEFENDANT THOMAS E. WATERS.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Danbury, Connecticut;

and denes that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury, Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1369 1370

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1371

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1372

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a beleif.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the

1373 rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

1374 As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Thomas E. Waters.
By his Attorneys,
John H. Light,
1375 DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

1376 Martin Lawlor et al.

ANSWERS OF DEFEDANT SAMUEL S. WILSON.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits 1377
that he was at the date of the writ in this action a member of a Local Hat Finishers' Union living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in comman with members of said Danbury, Hat Finishers' Uniion, is entitled once in every four years to 1378
vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said 1379
United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the 1380
Board of Directors of said United Hatters of North America publish a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally

1381 registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combina-
1382 tion of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this de-
1383 fendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs factory, or any dealer or dealers who should handle the sa[illegible].

1384

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Samuel S. Wilson.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

1385

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT FRANK K. WILDMAN. 1386

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Uninon, living in Danbury, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Danbury Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1387 1388

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said

1389 United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is de-
1390 nied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to whach it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor.
1391 As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as
1392 to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared

against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1393

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Frank K. Wildman.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of Connecticut. Case No. 538. Law. July 11, 1908. 1394

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT FANTON W. BEERS.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 1395

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Norwalk, Connecticut, and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said 1396

1397 United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1398 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affix-
1399 ed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the
1400 rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to for a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs factory, or any dealer or dealers who should handle the same. 1401 09

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Fanton W. Beers.

By his Attorneys,

John H. Light, 1402 10
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al. 1403 11

ANSWERS OF DEFENDANT ALBERT BERG.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Norwalk, Connecticut, and denies that said Union is connected (except in the manner herein set forth) with the so called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Finishers' Union, is entitled once in every four years to 1404 12

1405 vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

1406 (b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North Amer-
1407 ica publish a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of per-
1408 sons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 1409

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1410

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Albert Berg.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1411

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT WILLIAM A. BRENNAN.

1412

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Norwalk, Connecticut; and denies that said Union is connected (ex-

1413 cept in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until 1414 their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board 1415 of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that 1416 the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1417

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to wheher the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 1418

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22. 1419

Defendant William A. Brennan.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

In the United States Circuit Court for the District of Connecticut. Case No. 538. Law. July 11, 1908. 1420

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT STEPHEN CARLIN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to

1421 form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of
1422 North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America; except that he in common with members of said Norwalk Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said
1423 United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1424

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1425

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 1426

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 1427

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1428

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Stephen Carlin,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1429

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT EDWARD CUNNINGHAM.

1430 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he
1431 has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations
1432 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and herein- 1433
before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1434

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 1435
18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' 1436
factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Edward Cunningham,

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1437 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT GEORGE A. DAVIS.

1438 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies
1439 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations
1440 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1441

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 1442

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 1443

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1444

10. This defendant denies paragraphs 20, 21 and 22.

Defendant George A. Davis,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1445 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT CHARLES FLYNN.

1446 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies
1447 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations
1448 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbe- 1449
fore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a 1450
member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 1451
18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' 1452
factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Charles Flynn,

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

1453

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT ADDISON F. HATHAWAY.

1454

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies

1455

that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred

1456

to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1457

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 1458

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 1459

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1460

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Addison F. Hathaway,

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

1461 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PETER F. KEARNEY.

1462 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers' Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North Aemrica, and denies 1463 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Finishers' Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations 1464 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1465 73

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a meber of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 1466 74

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 1467 75

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1468 76

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Peter F. Kearney,

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

1469 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT PATRICK KEATING.

1470 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies
1471 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North
1472 America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1473

5. As to paragraph 11, this defendant admits that the United Hatters of North Aemrica—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 1474

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 1475

9. As to paragraph 19, this defendant has no knowledge or information therof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1476

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Patrick Keating.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

Bristol, Stoddard, Beach & Fisher.

1477 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JAMES KINNANE.

1478 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers' Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies
1479 that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations
1480 referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1481

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 1482

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18. 1483

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same. 1484

10. This defendant denies paragraphs 20, 21 and 22.

Defendant James Kinnane,
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1477 1485 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT THOMAS LAYHE

1486 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has 1487 any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days than then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United

Hatters of North America, except as hereinafter and herein- 1489
before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied

6. As to paragraph 12, this defendant denies that he 1490
is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 1491
and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' 1492
factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Thomas Layhe.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1493

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

1494

ANSWERS OF DEFENDANT CHARLES MOORE.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticuit, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, Known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

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(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of

Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved. 1497

4. As to paragraph, 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1498

6. As to paragraph 12, this defendant denies that he is a membe of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has not knowledge or information thereof sufficient to form a belief. 1499

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defenadnt has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 1500

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

47 1501 10. This defendant denies paragrajhs 20, 21 and 22.

Defendant Charles Moore.
By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

4? 1502 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT S. WALLACE OSBORN.

1. Paragraph 1 is admitted.

14 1503 2. As to paragrahs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other mem-

1 1504 bership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said

United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1505

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1506

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1507

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief. 1508

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of his defendant for that purpose.

141509 As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant S. Wallace Osborn.

141510 By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

141511 vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN E. PAUL.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

141512 3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat

Finishers Union, is entitled once in every four years to 1513
vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said 1514
United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a 1515
Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the 1516
rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

1517 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs'

1518 factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John E. Paul.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1519 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT ROBERT PEARSON.

1. Paragraph 1 is admitted.

1520 2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said

National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1521 1522

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1523

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient tot form a belief. 1524

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

1525 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' 1526 factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Robert Pearson.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1527 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN REDWAY.

1. Paragraph 1 is admitted.

1528 2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said

National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years of until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1529 37 1530 38

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1531 39

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 1532 40

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

1533 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs'
1534 factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John Redway.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1535 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT OWEN REILEY.

1. Paragraph 1 is admitted.

1536 2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3 (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said

National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub-combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1537 1538

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1539

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 1540

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

1541 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsover, to be declared against the products of the plaintiffs' fac-

1542 tory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Owen Reiley.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1543 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT DANIEL RIORDAN.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defend-

1544 ant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said

National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1545 3 1546 4

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1547 5

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which is it affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief. 1548

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

1549 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boy-
1550 cott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Daniel Riordan.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1551

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JOHN E. ROONEY.

1552 1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization,

known as the United Hatters of North America, and denies 1553
that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which, as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub com- 1554
binations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and herein- 1555
before admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which is it affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he 1556
is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

1557 8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of
1558 any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John E. Rooney.

By his Attorneys,

John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1559

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

1560 ANSWERS OF DEFENDANT THOMAS M. SAUNDERS.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Norwalk, Connecticut;

and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years of until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1561 1562

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination or persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1563

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1564

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

1565 paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has
1566 not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Thomas M. Saunders.

By his Attorneys,

John H. Light,

DeForest & Klein,

H. W. Taylor,

1567 Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

1568 ANSWERS OF DEFENDANT JOHN W. SCULLEY.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that is is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Norwalk, Connecticut;

and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1569 1570

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1571

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1572

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

1573 paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a be-
1574 lief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant John W. Sculley.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
1575 Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

1576 ANSWERS OF DEFENDANT MAX SNIGERWALD.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Norwalk, Connecticut;

and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1577 1578

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1579

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1580

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defndant; and as to the rest of said

1581 paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a
1582 belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Max Snigerwald.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
1583 Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538. LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

1584 ANSWERS OF DEFENDANT CHARLES SMITH.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Finishers Union, living in Norwalk, Connecticut;

and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1585 1586

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1587

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1588

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

1589 paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a
1590 belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Charles Smith.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
1591 Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

1592 ANSWERS OF DEFENDANT FREDERICK TAYLOR.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Norwalk, Connecticut;

and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1593 1594

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1595

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which is it affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1596

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said

1597 paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a be-
1598 lief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Frederick Taylor.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
1599 Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

1600 ANSWERS OF DEFENDANT PETER J. WARD.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writi n this action a member of a Local Hat Finishers Union, living in Norwalk, Connecticut;

and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Finishers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union. 1601 1602

(b) And this defendant further denies that the said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1603

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied. 1604

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of

persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant Peter J. Ward.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT W. J. WEISEIT.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant has not knowledge or information sufficient to form a belief,

except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats. 1609

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four 1610 years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore alleges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that the said United Hatters of North America, is a combination or asso- 1611 ciation of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied. 1612

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling

1613 themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

1614 9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose.

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

1615 10. This defendant denies paragraphs 20, 21 and 22.

Defendant W. J. Weiseit.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher.

1616 IN THE UNITED STATES CIRCUIT COURT FOR THE DISTRICT OF CONNECTICUT. CASE NO. 538, LAW. JULY 11, 1908.

D. E. Loewe & Co.

vs.

Martin Lawlor et al.

ANSWERS OF DEFENDANT JAMES WHITNEY.

1. Paragraph 1 is admitted.

2. As to paragraphs 2, 3, 4, 5, 6, 7 and 8, this defendant 1617
has not knowledge or information sufficient to form a belief, except that it is admitted plaintiffs have a factory at Danbury, Connecticut, for the making of hats.

3. (a) As to paragraph 9, this defendant admits that he was at the date of the writ in this action a member of a Local Hat Makers Union, living in Norwalk, Connecticut; and denies that said Union is connected (except in the manner herein set forth) with the so-called National Organization, known as the United Hatters of North America, and denies that he has any other membership or participation in said National Organization, known as the United Hatters of North America, except that he in common with members of said Norwalk Hat Makers Union, is entitled once in every four years to vote for a delegate or delegates to a Convention which as this defendant is informed and believes and therefore al- 1618
leges elects a Board of Directors, of said United Hatters of North America, for the term of four years or until their successors are elected; and this defendant expressly denies any influence, or authority or control over said United Hatters of North America, or any of the said alleged twenty sub combinations referred to in paragraph 9 of said complaint, except that he admits that he is a member of said Local Union.

(b) And this defendant further denies that said United Hatters of North America, is a combination or association of persons otherwise than in the sense that said United Hatters of North America consists of a Board of Directors, elected every four years by a convention of delegates, which meets for a few days and then is dissolved.

1619 4. As to paragraph 10, this defendant denies that there is any combination of persons collectively known as the United Hatters of North America, except as hereinafter and hereinbefore admitted, and admits that the Board of Directors of said United Hatters of North America published a Journal of the United Hatters of North America. All of the rest of said paragraph is denied.

5. As to paragraph 11, this defendant admits that the United Hatters of North America—as the same as above described—owns and controls a Union Label, which is used to indicate that the hats to which it is affixed, are union-made hats, and that said label is legally registered, under the law. All of the rest of said paragraph is denied.

1620 6. As to paragraph 12, this defendant denies that he is a member of a combination or association of persons calling themselves the American Federation of Labor. As to the rest of said paragraph this defendant has no knowledge or information sufficient to form a belief.

7. As to paragraph 13, this defendant denies that the so-called American Federation of Labor is a combination of persons including this defendant; and as to the rest of said paragraph this defendant has no knowledge or information thereof sufficient to form a belief.

8. This defendant denies paragraphs 14, 15, 16, 17 and 18.

9. As to paragraph 19, this defendant has no knowledge or information thereof sufficient to form a belief as to whether the parties named therein, demanded that the plaintiffs should unionize their factory, but this defendant denies that said parties were agents of this defendant for that purpose. 1621

As to all of the rest of said paragraph, this defendant has not knowledge or information thereof sufficient to form a belief, except that the defendant expressly denies making any threats against the plaintiffs, or deferring the execution of any threats against the plaintiffs, or causing of any boycott whatsoever, to be declared against the products of the plaintiffs' factory, or any dealer or dealers who should handle the same.

10. This defendant denies paragraphs 20, 21 and 22.

Defendant James Whitney.

By his Attorneys,
John H. Light,
DeForest & Klein,
H. W. Taylor,
Bristol, Stoddard, Beach & Fisher. 1622

And thereafter the said cause was duly continued from term to term until the 27th day of August, 1912, when it came on for hearing before the Honorable James L. Martin, District Judge for the District of Vermont, who had been lawfully designated to try the case by the Honorable E. Henry Lacombe, Senior Judge of the United States Circuit Court of Appeals, for the Second Circuit, and a Jury, and thereupon the jury was empaneled and sworn.

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JURY PANEL.

The following named electors of the District of Connecticut were impaneled as a Petit Jury to try the cause:

John Gemmill, David Porter, L. C. Holcombe, A. W. Bristol, E. S. Gridley, Earnest K. Taft, George O. Stead, Samuel Alexander, E. L. Kies, George Glover, Thomas P. Norman, and H. O. Huntington.

1624 And thereafter the hearing continued from day to day before said Court until October 10, 1912, when all the evidence set forth in the bill of exceptions hereinafter set forth had been presented.

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DEFENDANT'S REQUEST TO CHARGE.

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1. The combination charged in the complaint falls within the class of restraints of trade aimed at compelling third parties and strangers involuntarily not to engage in the course of trade, except on conditions that the combination imposes.

2. The combination charged in the complaint is a combination directly for the purpose of preventing the plaintiffs and their customers, in other states, against their will, from continuing to carry on an existing trade and commerce among the several states, and in preventing them from engaging in and carrying on said trade and commerce between them.

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3. To be entitled to any recovery in this action, the plaintiffs must show that a combination or conspiracy was formed for the direct purpose of compelling the plaintiffs and others involuntarily not to deal together in the course of interstate trade, and must also show that they were injured in their property or business by reason of such involuntary compulsion, or by reason of some act done for the purpose of compelling the plaintiffs and others, involuntarily, not to deal together in the course of interstate trade.

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4. In determining whether there was or was not such a combination or conspiracy for the direct purpose of compelling the plaintiffs and others, involuntarily, not to deal together in the ordinary course of interstate trade, you should take into consideration all the evidence as to the professed intent of those persons who took an active part in the transaction, and you should also take into consideration all their acts, and omissions to act, in using, or not using the machinery which they had at hand, for the purpose of preventing the plaintiffs, and their customers, from engaging in, and carrying on, trade between them.

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5. If you find that the strike at the plaintiffs' factory was for the immediate purpose and object of compelling the plaintiffs to unionize their factory, and that the persons who took part in it did not then have any intention of preventing the plaintiffs and their customers from dealing together, except as the strike itself might temporarily interfere with the plaintiffs' production of hats; and if you find that no steps were thereafter taken to prevent the plaintiffs from employing other workmen, or from manufacturing and shipping hats; then the plaintiffs will not in this action be entitled to recover dam-

1629 ages resulting from the strike, and from the plaintiffs' subsequent inability due to the comparative inefficiency of their new workmen to manufacture hats as good or as cheaply as before.

6. For the purpose of this case workmen have the right to organize into or join a labor union, which should take joint action as to their terms of employment. It is of benefit to them and to the public that laborers should unite in their common interest and for lawful purposes. They have labor to sell. If they stand together they are often able, all of them, to command better prices for their labor than dealing singly with rich employers, because the necessity of the single em-

1630 ploye may compel him to accept any terms offered to him. The accumulation of a fund for the support of those who feel that the wages offered are below the market prices is one of the legitimate objects of such an organization. They have the right to appoint officers, who shall advise them as to the course taken by them in their relations with their employer. They might unite with other unions. The officers they appoint or any other person to whom they choose to listen may advise them as to the proper course to be taken by them in regard to their employment, or if they choose to repose such authority in any one, may order them on pain of expulsion from their

1631 union peaceably to leave the employ of their employer because any of the terms of their employment are unsatisfactory.

Judge Taft in Thomas vs. Cinn., etc., R. R., 62 F. R., p. 817.

7. Some degree of compulsion or intimidation brought to bear upon the plaintiffs' customers, or against persons handling the plaintiffs' hats, in order to compel them involuntarily to cease or limit their dealings with the plaintiffs, or in the plaintiffs' hats, must be shown before the plaintiffs can recover damages for the loss or diminution of business with such customers or retailers.

1632 8. In so far as any of the plaintiffs' customers, or any retail dealers handling the plaintiffs' hats, were not influenced to cease dealing with the plaintiffs, or handling the plaintiffs' hats, except because of the fear of losing the patronage of organized labor, or the hope of keeping, or gaining, the patronage of organized labor; their trade with the plaintiffs, or in the plaintiffs' hats, was not restrained for the purposes of this case, and the plaintiffs cannot recover in this action for damages resulting from loss or diminution of the trade of such customers.

9. The union label of the United Hatters is, in the states where it is registered according to law, a statutory trade-mark, and the officers and agents of the United Hatters have the same right to solicit trade for hats bearing their label as any merchant has to solicit trade for goods bearing his trade-mark. 1633

10. In so far as any of the plaintiffs' customers, or any retail dealers handling the plaintiffs' hats, were not influenced to cease dealing with the plaintiffs, or handling the plaintiffs' hats, except because of an increased demand for hats bearing the union label of the United Hatters; their trade with the plaintiffs, or in the plaintiffs' hats, was not restrained, for the purposes of this case, and the plaintiffs cannot recover in this action for damges resulting from the loss or diminution of business solely due to an increased demand for union label hats. 1634

11. This atcion is not broadly for interference with the good-will of the plaintiffs' business, but for involuntarily preventing the plaintiffs and their customers in other states from dealing together in the ordinary course of interstate trade, in pursuance of a combination or conspiracy directly to prevent them from so trading together, and the plaintiffs are not entitled to recover in this action in damages for loss of trade with customers in other states, except in so far as the plaintiffs may show that their customers were compelled involuntarily to cease or limit their dealings with the plaintiffs, or in the plaintiffs' hats. 1635

12. The plaintiffs are not entitled in this action to recover in damages suffered after the commencement of this action, towit, September 23rd, 1903.

13. The plaintiffs are not entitled to recover in this action in damages in consequence of the comparative inefficiency of their factory organization after the strike, except such as accrued prior to the latter part of October, 1902. 1636

14. The plaintiffs are not entitled to recover in this action in damages for loss of trade with any given customer, unless they can show by a fair preponderance of evidence that the loss of trade with such customer was caused by the acts of some of the defendants, or their authorized agents, done in pursuance of a combination or conspiracy to compel such customers involuntarily not to deal with them in the ordinary course of interstate commerce.

1637 15. If you find that the direct and immediate intent of the officers and agents of the United Hatters of North America was to unionize the plaintiffs' factory, and that they did not otherwise prevent, or intend to prevent, the plaintiffs and their customers in other states, from dealing together, than by a strike for the purpose of compelling the plaintiffs to unionize their factory, and by influencing the plaintiffs' customers in other states voluntarily to divert their trade to other manufacturers until such time as the plaintiffs should unionize their factory, then your verdict should be for the defendants.

1638 16. If you find that there was such a combination or conspiracy as the court may charge you is a sufficient basis for this action, then the question of the personal responsibility in damages of any defendant in this action will depend upon whether he consciously and intentionally participated in, or authorized such combination.

17. Proof of mere suspicion or bare knowledge that the officers and agents of the United Hatters had, in times past, followed the customers and goods of other manufacturers into other states for the purpose of preventing their sale, is not of itself sufficient to charge any defendant with having authorized the officers and agents of the United Hatters to repeat
1639 such conduct, as against these plaintiffs. It must be shown either that he approved of such conduct, or that he intended it to be continued. The acceptance of office in the union, with knowledge of such conduct, tends to show such approval, but the mere retention of membership in the union, with such knowledge, and the continued payment of dues, without any other evidence, does not.

18. If you find as to any defendant or defendants that they had never held office in any local or national union and were never delegates to any convention; that they had no information of any trouble in the Loewe factory until after the
1640 men were out; that they were not regular readers of the Journal of the United Hatters and do not remember reading the printed reports of the conventions of the United Hatters, according to their best recollection; that they did not know prior to the commencement of this action that the officers of agents of the United Hatters had followed, or were charged with following the customers or goods of any hat manufacturer in other states for the purpose of restricting or preventing the sale of such manufacturers' hats; that to the best of their recollection they never read in the Hatters' Journal or

elsewhere any statements to that effect; that they were not regular attendants at the meetings of their respective local unions, and to the best of their recollection, were not present at any meeting where the proceedings of conventions were reported on, or the Berg or Roeloff troubles reported on or discussed; that to the best of their recollection they never heard of the suit brought by Roeloff against the United Hatters; that they knew there were agents of the United Hatters on the road, but supposed that they were employed to advertise the Union Label and promote the sale of union-made hats; that those of them who lived in Danbury received the notice, Exhibit 80; that after this suit was brought they received the letter from Mr. Connolly relative to employment of counsel and signed and returned the form annexed thereto (said letter and form being the same as has been read in testimony from Danbury News of September 14th, 1903; that from 1900 to 1903 they read with more or less regularity some local newspaper in their respective towns, but not completely or invariably, and to the best of their recollection, they do not remember reading anything therein or elsewhere about the methods employed to constrain manufacturers to unionize their shops; that those of them who testified at the former trial were paid by the United Hatters for their time and expense in attending as witnesses; and that after this suit was brought they continued to pay dues and made no protest, and did nothing to prevent the re-election of the same officers as before, then your verdict should be in favor of such defendant or defendants. 1641 1642 1643 1644

The court refused to give the jury each and every one of the foregoing instructions and requests, numbered from one to eighteen inclusive,—to which rulings and refusals of the court, and to each one of them separately, the defendants then and there duly excepted.

Friday, October 11th, 1912, 2:15 P. M.

CHARGE OF HON. JAMES L. MARTIN, JUDGE.

To the Jury:

It is so rarely that I use a written charge, that I am hardly accustomed to it; but the questions in this case are such, that I desire to state them to my own satisfaction, at least—so that I have resorted to writing out the charge.

1645 Mr. Foreman and Gentlemen of the Jury: In the opening, I wish to join with the counsel on both sides of the case in congratulating you upon being so near the termination of this somewhat lengthy trial—short indeed, in view of the great mass of facts to be submitted to you. I wish, too, to thank you for the undivided attention that you have given from the beginning to the end of this trial; and, further, especially in view of the fact that I said to you, I think on the first day of the trial, that you were at liberty to approach the court at any time relative to business or family affairs, whereby the hours of the sessions might be changed—and yet you have not em-
1646 barrassed the court in the least degree from the beginning down to this time.

It is a patriotic service on your part, especially in view of what you must have known when you went into the jury box as to the length of the trial.

I wish to say—and I feel in duty bound to say to the counsel thus publicly what I have said privately—this trial has been remarkably free from discussions, from heated debate, and practically, if not absolutely, free from acrimonious disputes; besides it has been conducted, in my opinion, on both sides, in an able and lawyerlike manner.

1647 If the court has an occasion to criticise any remarks made by the counsel, it is not that the court thinks they were improperly made intentionally. I have not been long enough from the bar not to know that sometimes, looking through client's eyes, one is led to say things which may leave the court to criticise.

Gentlemen of the Jury: It is the duty of the court to declare the law. It is your exclusive province and your responsibility to apply the law so declared, to the facts as you may find them to be established by the evidence; and when I allude, as I probably shall, to facts that have been
1648 proven here, in illustrating the principles of law, you are not to gather from that what I think may be your duty in deciding the facts. You are not even to guess what I think the facts are. My theory of trials is that it is the province of the jury to settle every question of fact, and they are not to be guided by the court, except in laying down the principles of law.

This action is based upon the Anti-Trust Act, or the Sherman Act so-called; the first section of which reads thus: "Every contract," (The word "contract" does not affect this case) "Combination in the form of trust, or otherwise or con-

spiracy in restraint of trade or commerce among the several states, or with foreign nations, is hereby declared to be illegal. Every person who shall make any such contract, or engage in any such combination or conspiracy, shall be deemed guilty of a misdemeanor."

And Section 7 of that act provides "Any person who shall be injured in his business or property by any other person or corporation by reason of anything forbidden or declared to be unlawful by this act, may sue therefor in any Circuit Court of the United States in the District in which the defendant resides or is found, without respect to the amount in controversy, and shall recover threefold the damages by him sustained, and the costs of suit, including reasonable attorney's fees."

So you see that Section 1 forbids the forming of a conspiracy, the object of which is restraint of trade and commerce among the several states; and Section 7 permits anyone injured in his property rights by reason of anything forbidden or declared to be unlawful in said act, to recover therefor.

The Supreme Court of the United States has said of this complaint:

"In our opinion the combination described in the declaration is a combination 'in restraint of trade or commerce among the several states,' in the sense in which those words are used in the Act; and the action can be maintained accordingly."

That decision carries out a principle of law that every person has individually, and the public has collectively, a right to require that the commerce of trade shall be kept free from unreasonable obstructions.

The essential averments in this complaint are, briefly stated: that there was an existing interstate traffic between the plaintiffs and citizens of other states; that for the direct purpose of destroying such interstate traffic the defendants combined, not merely to prevent the plaintiffs from manufacturing articles then and there intended for transportation beyond the state, but also to prevent the vendees in other states from reselling hats which they had imported from Connecticut, and from further negotiations with the plaintiffs for the purchase and intertransportation of such hats from Connecticut to the various places of destination; so that, although some of the means whereby the interstate traffic was to be destroyed were acts within a state, and some in themselves obviously not within the scope of the Federal authority—being intrastate

1653 matters (in the state matters)—yet the purpose of the combination, as alleged, is to prevent, or at least abridge interstate trade and transportation; that the plaintiffs said interstate traffic was that of hats manufactured at their plant at Danbury, Connecticut, and the business carried on there was largely dependent upon interstate trade whereby the product of their factory was consumed; that the defendants entered into a conspiracy to violate the United States Statute which I have already quoted, and for the purpose of destroying that trade; and that at the time of the forming of this combination the plaintiffs were in the process of making a large number of hats
1654 for the purpose of filling orders to customers in different states; that the defendants were members of a vast combination called the United Hatters of North America, comprising upwards of nine thousand members, including a large number of subordinate unions, and that they were also combined with nearly a million and a half of the members of another association known as the American Federation of Labor; that there was a scheme, called in the law a conspiracy, to force manufacturers of hats in the United States, including the plaintiffs, against their previous policy of carrying on their business, to organize their workmen, in the departments of making
1655 and finishing hats, into an organization to be part and parcel of the said combination known as the United Hatters of North America; and this was to be accomplished by the members of this conspiracy restraining and affecting, if not destroying, the interstate trade and commerce of the plaintiffs.

It is unnecessary for me to quote further from this complaint in view of the number of times that it has been referred to, the discussion of counsel, the reading, I think, of the whole complaint at the opening of the trial, and the fact that the complaint will be in your hands when you are deliberating on this case.

1656 It is the allegation relating to the interference with the plaintiffs' interstate trade and commerce that gives the Federal Court jurisdiction of this cause.

That there was a strike at the plaintiff's factory at the time alleged in this complaint, and the employees of the plaintiffs left; that the plaintiffs were put to great annoyance, trouble and expense in securing other help and teaching them the trade; and that there was a combination on the part of the different members, or of some of the members of the United Hatters of North America, or members of Labor Unions, to bring this about, is not denied; neither is it denied that it went

beyond the bounds of the State of Connecticut; that it became 1657
far reaching and extended even to the Pacific slope. It is not denied that the customers of the plaintiffs in different states of the Union were warned not to trade and deal in the plaintiffs' hats; but the defendants, or some of them, say that to interfere with interstate commerce was not the primary object or purpose which the defendants combined to accomplish; that their purpose was only to unionize the factory here in Connecticut, and to suspend work in the plaintiff's factory temporarily, and not to interfere with interstate commerce or trade, except, perhaps, incidentally, by way of delaying the filling of orders.

Now, Gentlemen, if you find from the evidence in this 1658
case that that, and that only, was what the defendants conspired to do, this court has no jurisdiction, and your verdict should be for the defendants. That would be a local matter, for which the State Court only could afford a remedy, if any could be had. It is without the province of the Federal Court to afford any relief to a person who may be injured or aggrieved by the organizing of labor unions, and unionizing manufacturing establishments, or even boycotting, solely within the State of Connecticut (or any other state for that matter); but the plaintiffs say—now you see the distinction here
—the plaintiffs say that this scheme, that these defendants 1659
entered into and conspired to execute, embraced within it the intent of boycotting the plaintiffs' trade in other states, if necessary, to force the plaintiffs to unionize their factory. So you see the opposing claims of these parties here present a simple question of fact. If there was a conspiracy to directly interfere with the plaintiffs' interstate commerce and trade, if necessary to compel the plaintiffs to unionize their factory, and in the execution of that scheme they did combine together, through their officers and agents, to interfere with the plaintiffs' interstate commerce and trade, and did so interfere, then it was a combination for the purpose of doing that which 1660
the Act of Congress declares is unlawful, and for such acts, under such a conspiracy, the Federal Court is empowered to afford relief to the injured party. The question hinges right there.

To enable you to settle this disputed question of fact, there are some principles of law that it is well that you should understand:

First: The burden of proof on the facts in dispute is on the plaintiffs. By "burden of proof," I mean the evi-

1661 dence, weighed in the scale of justice, must tip the beam in the plaintiffs' favor. You must be led to believe, by a fair balance of the evidence, that there was a conspiracy to violate the Federal statute which I have described and read to you, and that said statute was, in fact, violated.

A conspiracy is an agreement or understanding between two or more persons to commit an unlawful act, and in this case, to violate the statute of the United States which I read; or, in other words, there must be a combination of two or more persons, by concerted action, to accomplish an unlawful purpose. A common design is the essence of the

1662 change; and to prove a combination to accomplish an unlawful purpose by concerted action, it is not necessary that two or more persons should meet together and enter into an explicit or formal agreement for an unlawful scheme, or that they should directly, by words or in writing, state what the unlawful scheme was to be, and the details of the plans and means by which the unlawful combination was to be made effective. It is sufficient if two or more persons, in any manner, or through any contrivance, positively or tacitly come to a mutual understanding to accomplish a common and unlawful design. Where an unlawful end is sought to be effected,

1663 and two or more persons, actuated by a common purpose to accomplish that end, work together in any way in furtherance of the unlawful scheme, every one of said persons becomes a member of the conspiracy, although the part he was to take therein, was a subordinate one, or was to be executed at a remote distance from the other conspirators and on different occasions; and anyone who, after the conspiracy is formed, knows of its existence and joins therein, becomes as much a party thereto from that time, as if he had originally conspired; and where several persons are proved to have combined together for the same unlawful purpose, any act done

1664 by one of the parties in pursuance of the original concerted plan, and with reference to the common object, is, in the contemplation of the law, the act of the whole party.

Declarations made by one of the parties to such a conspiracy during its pendency, and in and about its execution, are not only evidence against himself, but are evidence against the other parties who, when the combination is proved, are as much responsible for such declarations and such acts to which they relate, as if made by themselves. This rule applies to the declarations of conspirators, though they may not be joined as party defendants; so you readily see that should

you find from the evidence that the defendants did the acts alleged in this complaint, either by themselvs, or by their agents, acting within the scope of their employment, the plaintiffs are entitled to recover against at least some of these defendants. 1665

This brings us pointedly to the consideration of another feature of the case:

Many of these defendants have gone upon the stand and testified that they had no knowledge that the officers and agents of the labor unions to which they belonged had been, or were to become, members of a conspiracy to interfere with the interstate trade and commerce of the plaintiffs. Now I have boiled their testimony down to this single expression—as you have heard it all, you remember it as well as I do—the force of it was that they had no knowledge of this conspiracy to interfere with the interstate commerce and trade of these plaintiffs—which, as I say, gives this court jurisdiction. 1666

That these unions, local, state or national—whatever you may call them—are voluntary associations is not denied; that the authority for whatever their officers or agents may do is vested in the individual members thereof, and that the officers and agents of those associations act through authority delegated to them by the individual members thereof, is not disputed. 1667

In passing upon the individual claims of these several defendants, it is important that you should consider the language of the constitution and by-laws of the several associations, and the supplemental proof that, in carrying out the objects thereof, unlawful means had been so frequently used, with the express or tacit approval of the association, that its agents were warranted in assuming that they might use such unlawful means in the future and that the association and its individual members would approve of or tolerate such use whenever the end sought to be obtained might be best obtained thereby. Here I am quoting from the Court of Appeals. 1668

The minutes, resolutions, reports, proclamations and printed discussions which the officers and agents of the association have publicly proclaimed and circulated among the membership, are all matters to be considered by you in passing upon the question as to whether or not the boycotting of the plaintiffs' trade in other states than Connecticut was approved or warranted by the individual members of that association.

1669 The individual members delegate to their officers the authority to act in their behalf; so the question of fact presented to you is, were the acts of these officers and these agents within the scope of their delegated authority, and did these defendants so conduct themselves that these officers and agents had a reason to believe, and did believe, that they were carrying out their wishes and their orders?

Bearing upon that question it is important for you to consider the pains taken by the officers and agents to make known to the individual members the full force and effect of all their acts, including that of boycotting in sister states.

1670 Now if this evidence falls short of satisfying you that certain of these defendants did know of this unlawful conspiracy, or were in duty bound to know of it, or did tacitly approve of it, then such defendants should be acquitted, if any there may be; or, in other words, assuming that there was a conspiracy to violate the Federal statute, as I have explained to you, and that the statute was, in fact, violated, to the damage of the plaintiffs, then every person who had a part in planning or a hand in executing, or aided, or abetted therein, is jointly liable. Membership in a Labor Union and the payment of dues, are not acts of themselves that
1671 necessarily constitute counselling, advising, aiding or abetting. Membership and payment of dues are the life of the voluntary association, and are the foundation of all its authority and the source of financial assistance in executing that authority.

If these members paid their dues and continued to delegate authority to their officers and agents to commit unlawful deeds, which, in this case, is the interference with the plaintiffs' interstate trade and commerce, under such circumstances as lead you to believe that they knew, or ought to have known, and that such officers and agents were, in that matter, warranted in the belief that they were acting within their dele-
1672 gated authority, then such members are jointly liable, and no others.

If the evidence falls short of this as to any of these defendants, then such defendants should be acquitted.

This presents a question of fact for your determination, and you should consider all the evidence and the circumstances bearing upon it. The testimony of the defendants who have been upon the stand, the concessions made as to what would have been the testimony of those who did not testify, the opportunity they had of knowing what the officers and agents were doing, and their interest in the case, are all material for your consideration upon this subject.

If you find that any of these defendants should not be holden and are not able to designate the name of such person, you are at liberty to come into court and ask, through your foreman, for further instructions as to such name or names. 1673

If you find that the allegations of this complaint are proved by a fair balance of the evidence, then the plaintiffs are entitled to recover such damages, not exceeding $80,000, as you may find from the evidence directly or proximately resulted to this business and the property of the plaintiffs from the acts of the defendants or their officers and agents as set forth in this complaint, to be limited as I state further on.

If it was a part of the original scheme to unlawfully interfere with the plaintiffs' interstate commerce and trade as I have described, then the plaintiffs are entitled to recover all such damage as they suffered in the different steps taken leading up to and affecting that object, excluding, however, the steps taken in the State of Connecticut relative to the work here, except so far as that interfered with interstate commerce and trade in the carrying out of the original plan and scheme to force the plaintiffs' factory to become unionized by abridging and destroying his interstate commerce, or, in other words, if you find the plot was to boycott the plaintiffs' trade with parties in sister states, if necessary to unionize their factory, and such boycotting was in fact restorted to, then the plaintiff is entitled to recover all such damages as were suffered in the execution of that plan to interfere with and destroy his interstate commerce and trade. As it had in it an unlawful design that was carried into effect, he is entitled to recover such damages as directly and proximately flow from the acts committed prior to the bringing of the suit. The only acts of the defendants for which plaintiffs can recover damages in this case are such acts set forth in the complaint as were done by the defendants, or their agents, before the suit was commenced; and the plaintiffs are entitled to recover all damages which are the proximate and natural result of such acts, including such damage as may have continued or resulted therefrom after the suit was commenced; but the plaintiffs cannot recover in this suit for any damages which are the result of the continuation of the alleged conspiracy after the suit was commenced, or which are the result of the performance of any acts in furtherance of said conspiracy after the suit was commenced. It is for you to determine from all the evidence in the case what part, if any, of the plaintiffs' damage which resulted after the suit was started was 1674 1675 1676

39
1677 the direct and proximate result of the alleged wrongful acts of the defendants before the suit was commenced and allow therefor and for that only.

Now I think you understand me. What they did after the bringing of the suit is not to be considered, and the damages that accrued at the manufactory in Danbury, at the shops there, ceased, under the allegations of this declaration, the latter part of October, 1902.

Just how you should inquire into this question of damages has been a matter of serious consideration on the part of the court. It is no province of the court to undertake to
70 1678 compute these damages for you. I have outlined the law on that subject as to what periods you may cover. Mr. Beach has told you that you should take into consideration the profits that were being received and the nature of the business at the time that it was interrupted. Now I understand that wherever courts have undertaken to aid a jury, they have laid down the law substantially as he stated it.

Counsel for the plaintiffs in his opening figured out to you what this evidence tends to show what the plaintiffs' damages are, and Mr. Beach figured out to you what he claims from his side of the case. I cannot help thinking what
71 1679 a blessing it is to the court that we have a jury here to bring to that question—if you come to it—your sound common sense. Each man when he marks on that subject, having in mind that you are all fellow jurors—should feel that the opinion of his fellow jurors is entitled to due consideration, and you should keep out of the jury box pride of opinion—that has no place there. As a rule, jurors do that. This was in substance said by one of the counsel here in argument better than the court can express it, and I concur in what Chief Justice Fuller said, as was read, I think, by the counsel who opened the argument, as to the value of jury trials. I
72 1680 am not one of those who is inclined to say that jury trials are a toss-up. It has not been my experience at the bar or at the bench, so I leave the question of damages with you. You are not to treble the damages or allow for attorney fees; that is a matter which addresses itself to the court.

If you come to the question of damages you are to allow for the actual damages that the plaintiffs sustained, as you honestly and conscientiously believe them to be, as before explained.

Reference has been made to Mr. Loewe's testimony as to what one Gildea stated to him. If you find Mr. Gildea

was at the time engaged as one of the conspirators, his sayings 1681
are admissible, and should be given due weight; otherwise they are not admissible and should not be considered; and this principle of law applies to the sayings of all the alleged conspirators.

Counsel for the defendants read to you extracts from opinions of different judges, including President Taft when he was a Federal Judge. The law as stated in those opinions, and read to you by counsel, is correct, as I understand it, and this relieves me from going over the defendant's requests and charging you upon those subjects.

There has been, Mr. Foreman, and Gentlemen of the 1682
Jury, some discussion as to the merits and demerits of labor unions, and of organized capital, etc. That is no part of our consideration here. This is not a suit brought upon the common law for alleged breaches of the peace or for walking out of the factory, or for the boycotting of the factory here in Connecticut; it does not involve any principle of moral right or wrong as to those local things; and all discussion as to whether labor unions are a benefit or hindrance to mankind and whether they ferret out places where people are working that are detrimental to health and life or, as was said, go down into the Hell of the earth and work there, or whether there are 1683
a thousand manufacturers awaiting the result of your verdict here, or whether two hundred inmates of homes will celebrate your verdict, should you give one for the defendants, is of no earthly consequence.

Some allusion has been made to the old soldiers. Heaven knows there is nobody that has any higher respect for the old soldiers who wore the blue than I have. Surely they cemented these states together by shot and shell and laid down hundreds of thousands of their comrades in the gulf that yawned to receive this republic; but that has nothing to do with the issues of fact that we have to try in this case.

That an assessment of fifteen cents on a dollar, if that 1684
is the sum—I don't know whether it is correct or not—of the members of the Federation of Labor would pay every cent involved in this case, and thus relieve these old soldiers from any pressure or embarrassment here, or whether money enough has been secured by the garnishee or trustee process, and the United Hatters have taken care of that sufficiently to cover everything here—all that is merely addressing itself to your prejudices.

You must meet the square issues in this case and decide them as you think they should be. You are not to say "cursed

1685 be a labor union which would not take care of these old soldiers" nor are you to protect them if they joined a combination the object and purpose of which was to violate the law, and they ought to have known about it, and you find that they did know about it, then they come within the law that I have laid down here and you should include them in your verdict the same as you would any of the other defendants; otherwise not.

Take the case, gentlemen.

Mr. Beach:

1686 If your Honor please, there are three points—I am not sure that I can find them. Of course, I suppose we except seriatim to the refusal to charge as requested in our requests to charge. It may be that some of them have been covered.

The Court:

Most all of them, I guess.

Mr. Beach:

Well, if they are, it won't amount to anything.

The Court:

No.

Mr. Beach:

1687 And if they are not that will protect us so far as that is concerned.

Then as to your Honor's charge, we want to except to that portion of it which instructs the jury that the defendants are liable here because they were in duty bound to know what their agents were doing, or ought to have known what their agents were doing.

The Court:

No; in case they find certain facts.

Mr. Beach:

1688 Oh, change that, Mr. Stenographer, to that portion of the charge of the court which instructs the jury that if they find any defendant was in duty bound to know what the agents and officers of the United Hatters of North America were doing, or ought to have known of such contract—

The Court:

And that the officers and agents had reason to believe, etc.

Mr. Beach:

Believed that they did know?

The Court:

Yes, I know what you mean. What do you say to that exception. Do you want to stand on the law as given?

Mr. Merritt:

We do, yes, your Honor.

Mr. Beach:

You haven't got my point. I haven't finished; irrespective of the actual knowledge or intent of said defendants. Then there are two more propositions here.

To so much of the charge of the court as directs the jury that if it was a part of the original scheme to interfere with the plaintiffs' interstate trade—

The Court:

You want to except to all the court said on that subject?

Mr. Beach:

Yes.

The Court:

Because I took a contrary view to you squarely, as to your requests on that subject?

Mr. Beach:

The probability is it is fully covered there.

The Court:

I think so; and the failure to comply with defendants' requests on that subject. You will have no trouble about getting an exception as to that.

Mr. Beach:

Is that noted sufficiently so that we can do that hereafter?

The Court:

Yes.

Mr. Beach (to Mr. Merritt):

You have no objection to what we have stated in an abbreviated form as to the points that we wanted to take any exception to. The Judge is satisfied to leave it at that.

Mr. Merritt;

You can correct it later on.

Mr. Beach:

One more please. And to so much of the charge of the court to the jury as directs the jury that in estimating damages they are at liberty to award continuing damages which are the result of acts done prior to the commencement of the suit.

The Court:

I think that should be limited to 1904.

Mr. Merritt:

You can say that the plaintiffs make no claim beyond 1904.

1693 The Court:

I will say that, but you want an exception just the same?

Mr. Beach:

Yes.

Mr. Mulholland:

If these defendants so conducted themselves that the agents had reason to believe that their acts were authorized.

Mr. Merritt:

He has covered that.

The Court (to the Jury):

One thing further, gentlemen, that I should have said to
0 1694 you, and had in mind to say, but escaped me: you are not to consider any damages later than 1904 anyway. You remember that I said the plaintiff is entitled to recover for acts done before the suit was brought, and continuing damages for those acts only, but not beyond 1904; or this side of 1904.

Mr. Merritt:

Your Honor, the plaintiffs have no exceptions.

The Court:

Take the case, gentlemen.

(Whereupon the jury retired.)

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71 1695 UNITED STATES DISTRICT COURT, DISTRICT OF CONNECTICUT.

No. 538. LAW.

D. E. Loewe et al.,

vs.

Martin Lawlor et al.

VERDICT FOR THE PLAINTIFFS.

In this case the jury find the issues for the plaintiffs, and therefore find for the plaintiffs to recover of the defendants Eighty thousand dollars ($80,000) damages and the costs of suit.

372 1696 Dated at Hartford, October 13th, 1912.

John Gemmill,
Foreman of the Jury.

(JUDGMENT.)

UNITED STATES DISTRICT COURT, DISTRICT OF CONNECTICUT.

At a stated term of the District Court of the United States for the District of Connecticut, held at Hartford, on the 15th day of November, A. D. 1912.

Present: James L. Martin, District Judge.

Dietrich E. Loewe and Martin Fuchs, doing business under the name of D. E. Loewe & Company, Plaintiffs, 1697

against No. 538, Law.

Martin Lawlor, William P. Bailey, Charles Bailey, E. Romaine Barnum, Starr Bassett, Frederick Benedict, Joseph Burr, John Cords, Edward Culhane, Virgil Dibble, T. Archibald Evans, Charles Frost, Howard S. Gilbert, Henry Gilbert, George H. Gilbert, Charles Green, John Halpin, Edward Johnson, Reuben Johnson, Henry C. Judd, John Kane, Charles Lathrop, John McDowell, Edward Manion, George W. Morehouse, Byron Morgan, Barney Murphy, Owen Murray, William Ochs, William Ohler, Levi Short, Orrin Smith, William Stone, Myron Trowbridge, Patrick Troy, Patrick Wixted, all of Bethel; Theophilus Abieniste, Andrew Aitken, Nicholas W. Allen, Thomas H. Allen, Daniel H. Barnes, Nicholas W. Barzin, Charles J. Barrett, Jerome W. Bates, Charles Beckett, John Beckett, Jr., Clemens Beschele, Frederick S. Blackburn, John Blake, Simon Blake, Herman H. Bohman, Nelson H. Booth, James N. Boughey, Thomas Boyd, John Bradshaw, Peter J. Brennan, Alphonse Bresson, Theodore Bright, Orrin L. Bronson, Byron S. Brooks, Thomas D. Brooks, Andrew G. Brown, William F. Burns, Chauncey H. Butler, Stephen F. Butler, William H. Butler, John Byrone, James P. Callahan, John J. Callahan, Achille Canale, Thomas J. Cassidy, William Clancy, Elmer R. Clark, John H. Collins, Lewy W. Comes, Patrick Connolly, Michael Connors, Michael Corbett, James D. Costello, John H. Craft, Byron W. Crane, James Crotty, John Crotty, Michael Crowe, John J. Culhane, Patrick Culligan, Peter T. Currie, William Deakin, George F. Den- 1699 1699 1700

1701 ton, George Dickens, James Dillon, Thomas J. Durkin, James Durnin, William S. Dutcher, John Dyer, John Ellegett, Patrick Ellegett, Patrick Elliott, John G. Ely, Carl Erdman, Timothy H. Farrell, Patrick J. Feeley, Patrick Fennell, Patrick J. Fisher, Patrick Fitzgerald, Patrick Flannigan, Emil Floyske, Thomas Foley, Peter Gallager, Christian Gottlieb Garni, William E. Gartner, John Gilbride, Patrick Gildea, George J. Goebel, Martin Gorman,

1702 Michael C. Griffin, Wright Hampson, David J. Hardy, Alexander Harkness, John Harkness, Patrick Hart, John Hassett, Stephen Havren, Michael Hennessy, George M. Herrick, Ernest H. Heuser, Charles A. Hodge, Adolph Holdeichel, Nathan C. Hoy, Albert Hoyt, William Homphries, Patrick F. Hunt, Charles W. Hurd, Michael Hurd, Patrick E. Jeffrey, Daniel Kearns, Martin Keating, Thomas Keenan, Daniel P. Kelly, Michael F. Kenney, John

1703 Keogh, Charles J. King, Frank Kornhass, Frank E. Krebs, Martin Lauf, John N. Lawler, Edward D. Lees, John Leonard, Thomas Leonard, William E. Luke, Michael F. Lynch, George F. Marshall, John Morris, Jeremiah McCarthy, Patrick J. McCarthy, Patrick T. McCarthy, Martin McCue, Thomas E. McGauley, Martin McGettrick, James F. McGlone, John McGlone, Peter McGlone, Patrick McGrath, Charles F. McHan, Thomas McHugh, Daniel McInerey, Frank Meath, Henry Messer, Henry

1704 C. Michael, George J. Miller, John Miller, Jr., Patrick Moffitt, Gustave Mougin, Eugene L. Mulkin, Daniel Murphy, Timothy Murray, John B. Nowlan, William V. Nowlan, George T. Oakley, John O'Boy, Peter O'Boy, Louis E. Orton, Daniel J. Osborne, Alvah S. Pearce; George H. Phillips, Peter Picken, Arthur I. Pickett, John Pribula, Jacob Prinz, Christian Rheinhold, Frank Rhode, John Rooney, Frank E. Seaman, Louis Shack, Hugh C. Shalvoy, Charles

Shaffer, Frederick L. Stahl, Nicholas Streibig, George Stuckey, Stephen Stuckey, Michael E. Sullivan, Mark Sullivan, William S. Sullivan, Joseph Tosi, Thomas E. Waters, Samuel S. Wilson, Frank K. Wildman, all of Danbury; Fanton W. Beers, Albert Berg, William A. Brennan, Stephen Carlin, Edward Cunningham, George A. Davis, Charles Flynn, George Gerrish, Addison Hathaway, Peter F. Kearney, Patrick Keating, James Kinnane, Thomas Layhe, Charles Moore, John McNamara, S. Wallace Osborn, John E. Paul, Robert Pearson, John Redway, Owen Reiley, Homer Rockwell, Daniel Riordan, John E. Rooney, Thomas Saunders, John W. Sculley, Max Singerwald, Charles Smith, John Spendlove, Ernest Talmadge, Frederick Taylor, Peter Ward, William J. Weisheit, James Whitney, all of Norwalk,

Defendants.

This cause having come to this court by writ and complaint, demanding $240,000.00 damages, on the second Tuesday of October, 1903, when the defendants appeared specially and pleaded in abatement as on file, and thence to the 2nd day of March, 1904, when the plaintiff demurred to said plea in abatement, and thence to the 9th day of June, 1904, when the court sustained the demurrer to said plea in abatement and overruled said plea, and thence to the 26th day of February, 1906, when the defendants demurred to the complaint as on trial, and thence to the 7th day of December, 1906, when the court having heard the parties and on due consideration sustained the first, second, third, fourth, fifth and sixth grounds of said demurrer, as contained in the first six paragraphs thereof, and having ordered that the complaint be dismissed and the plaintiffs having duly excepted to the rulings of the court in sustaining said several grounds of the demurrer in said several paragraphs thereof and in ordering the complaint to be dismissed and the complaint having been thereupon dismissed with costs taxed in favor of the defendants in the sum of Ten dollars ($10.00) and the plaintiffs having sued out a writ of error from said judgment to the United States Circuit Court of Appeals for the Second Circuit and said cause having come on to be heard before

1709 said United States Circuit Court of Appeals and having been argued by counsel and said Circuit Court of Appeals having certified certain questions to the United States Supreme Court upon said demurrer, and the transcript of the record of the United States Circuit Court of Appeals for the Second Circuit having been brought into the Supreme Court of the United States by virtue of a writ of certiorari agreeable to the Acts of Congress in such cases made and provided, and said cause having come before the October Term, 1907, of said Supreme Court on said transcript of record and having been argued by counsel and said United States Supreme Court
0 1710 having ordered that the judgment of said Circuit Court of the United States for the District of Connecticut be reversed with costs and having by mandate signed the 5th day of March, 1908, ordered that said cause be remanded to the Circuit Court, with a direction to proceed in conformity with the opinion of the United States Supreme Court and the individual defendants having answered said complaint as on file;

And this cause having come on for trial in said Circuit Court of the United States for the District of Connecticut at the term commencing on the second Tuesday of October,
71 1711 1909, when the parties were at issue as on file, and a jury having been duly impaneled in said action before the Hon. James P. Platt on said second Tuesday of October, 1909, and said action having been duly heard and tried before said Hon. James P. Platt, and said jury from the 13th day of October, 1909, with various adjournments, until the 4th day of February, 1910; and the plaintiffs having before the submission of the issues of fact in said case to the jury on the 4th day of February, 1910, dropped Joseph Burr, Edward Culhane, John Beckett, Jr., Thomas D. Brooks, William F. Burns, John Byrone, James Durnin, Ernest H. Heuser, John
72 1712 N. Lawler, William E. Luke, George F. Marshall, John Miller, Jr., Nicholas Streibig, Stephen Stuckey, John McNamara, Ernest Talmadge, defendants above named, as appears by order of the court on file, and the above named defendants, Henry Gilbert, John McDowell, Edward Manion, Patrick Wixted, Charles J. Barrett, Jerome W. Bates, Charles Beckett, Orrin L. Bronson, Stephen F. Butler, William H. Butler, Michael Connors, George Dickens, Thomas J. Dirkin, Patrick Elliott, Patrick Fennell, Patrick Fitzgerald, Patrick Flannigan, John Gilbride, Patrick Gildea, George J. Goebel, Albert Hoyt, Patrick Moffitt, John O'Boy, John Rooney, Louis Shack, Mark

Sullivan, George Garrish, and Homer Rockwell, having died since the commencement of this action and before the submission of the issues of fact in said case to the jury on the 4th day of February, 1910, and said deaths having been duly noted on the record by the plaintiffs before submission of the issues of fact in said case to the jury on said date, and said action having been discontinued before said date as to all of said defendants who had died or who had been dropped and said cause having been duly committed to the jury on the 4th day of February, 1910, and the jury having returned a verdict on said 4th day of February, 1910, for Seventy-four thousand dollars ($74,000.00) damages and the costs of this suit in favor of the plaintiffs and against the remaining defendants who were then living and had not then been dropped, and the court having accepted said verdict and the defendants having made a motion to set aside said verdict as excessive, and said motion having come on to be heard before said Hon. James P. Platt on the 7th day of March, 1910, and counsel for the defendants having been heard in support of said motion, and counsel for the plaintiffs in opposition thereto, and the court having denied said motion and having directed that the amount of said verdict be trebled according to the terms of Section 7 of the Act of Congress approved July 2nd, 1890, and entitled, "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies," and having fixed a reasonable attorney's fee under the terms of said statute at Five thousand dollars ($5000.00) and the costs and disbursements of the plaintiffs having been duly taxed and adjusted at the sum of Five thousand two hundred and forty 12/100th dollars ($5240.12), and final judgment having been duly entered and filed on or about the 18th day of April, 1910, in favor of the plaintiffs and against the defendants then living and who had not then been dropped, for the sum of Two hundred and thirty-two thousand two hundred forty and 12/100th dollars ($232,240.12), and the defendants against whom said judgment was rendered having duly sued out a writ of error from said judgment to the United States Circuit Court of Appeals for the Second Circuit, and said cause having come on to be heard before said United States Circuit Court of Appeals on or about the 6th day of March, 1911, and having been argued by the respective counsel of the respective parties and said Circuit Court of Appeals having found error in said judgment in opinion rendered on or about April 10th, 1911, and having reversed the same and having remanded said case to the United States Circuit Court for the

11717 District of Connecticut to be proceeded with in accordance with law, and the Hon. E. Henry Lacombe, Senior Circuit Judge for said Second Circuit, having on the 4th day of March, 1912, duly made and entered an order in compliance with the statutes of the United States in such cases made and provided, designating and appointing the Hon. James L. Martin District Judge of the United States for the Judicial District of Vermont, within said Second Circuit, to hold the term of the District Court of the United States for the District of Connecticut within said Circuit to be holden at Hartford in said District on the 4th Tuesday of May, 1912, and said case
11718 having come on for trial in said District Court of the United States for the District of Connecticut, at said place and term, before said Hon. James L. Martin when the parties were at issue as on file, and a jury having been duly impaneled in said action before the Hon. James L. Martin on the 26th day of August, 1912, and said action having been duly heard and there tried in said court before said Hon. James L. Martin and said jury from the 26th day of August, 1912, with various adjournments until the 11th day of October, 1912, and the plaintiffs having before the submission of the issues of fact in said case to the jury dropped Edward Johnson and John J. Cul-
11719 hane, defendants above named, as appears by order of court on file, in addition to the defendants theretofore dropped in this action, and the defendants E. Romaine Barnum, Star Bassett, John Bradshaw, Michael Crowe, Patrick Culligan, and John G. Ely above named having died since the commencement of this action and before the submission of the issues of fact in this case to the jury on the 11th day of October, 1912, and their deaths being duly noted on the record by the plaintiffs prior to said 11th day of October, 1912, and said action having been discontinued before said date as to all of said defendants who had died or who had been dropped, and said cause
11720 having been duly committed to the jury on the 11th day of October, 1912, and the jury having returned a verdict on the 11th day of October, 1912, in favor of the plaintiffs and against the remaining defendants who were still living and had not been dropped, as follows:

"In this case the jury finds the issues for the plaintiffs and therefore finds for the plaintiffs to recover of the defendants the sum of $80,000.00 damages and the costs of this suit."

And the court having accepted said verdict and the defendants having thereupon on said 11th day of October, 1912, made a motion to set aside said verdict as excessive, and the

court having thereupon duly denied said motion and having directed that the amount of said verdict be trebled according to the terms of said Section 7 of the Act of Congress approved July 2nd, 1890, and entitled: "An Act to Protect Trade and Commerce against Unlawful Restraints and Monopolies," and having subsequently fixed a reasonable attorney's fee under the terms of said statute at Five thousand dollars ($5000.00) and the costs and disbursements of the plaintiffs having been duly taxed and adjusted at the sum of Seven thousand one hundred thirty and 90/100th dollars ($7,130.90); 1721

Whereupon, It is Adjudged that Dietrich E. Loewe and Martin Fuchs, the plaintiffs above named, do recover of and 1722
from William P. Bailey, Charles Bailey, Frederick Benedict, John Cords, Virgil Dibble, T. Archibald Evans, Charles Frost, Howard S. Gilbert, George H. Gilbert, Charles Green, John Halpin, Reuben Johnson, Henry C. Judd, John L. Kane, Martin Lawlor, Charles Lathrop, George W. Morehouse, Byron Morgan, Barney Murphy, Owen Murray, William Ochs, William Ohler, Levi Short, Orrin Smith, William Stone, Myron Trowbridge, Patrick Troy, all of Bethel; Theophilus Abieniste, Andrew Aitken, Nicholas W. Allen, Thomas H. Allen, Daniel H. Barnes, Nicholas W. Barzin, Clemens Beschele, Frederick S. Blackburn, John Blake, Simon Blake, Herman H. Bohman, Nelson H. Booth, James N. Boughey, 1723
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William E. Gartner, Martin Gorman, Michael C. Griffin, Wright Hampson, David J. Hardy, Alexander Harkness, John Harkness, Patrick Hart, John Hassett, Stephen Havren, Michael Hennessy, George M. Herrick, Charles A. Hodge, Adolph Holdeichel, Nathan C. Hoy, William Humphries, Patrick F. Hunt, Charles W. Hurd, Michael Hurd, Patrick E. Jeffrey, Daniel Kearns, Martin Keating, Thomas Keenan, Daniel P. Kelly, Michael F. Kenney, John Keogh, Charles J. King, Frank Kornhass, Frank E. Krebs, Martin Lauf, Edward D.

1725 Lees, John Leonard, Thomas Leonard, Michael F. Lynch, John Morris, Jeremiah McCarthy, Patrick J. McCarthy, Patrick T. McCarthy, Martin McCue, Thomas E. McGauley, Martin McGettrick, James F. McGlone, John McGlone, Peter McGlone, Patrick McGrath, Charles F. McHan, Thomas McHugh, Daniel McInerey, Frank Meath, Henry Messer, Henry C. Michael, George J. Miller, Gustave Moughin, Eugene L. Mulkin, Daniel Murphy, Timothy Murray, John B. Nowlan, William V. Nowlan, George T. Oakley, Peter O'Boy, Louis E. Orton, Daniel J. Osborne, Alvah S. Pearce, George H. Phillips, Peter Picken, Arthur I. Pickett, John Pribula, Jacob
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1727 Charles Smith, Frederick Taylor, Peter Ward, William S. Weisheit, James Whitney, all of Norwalk, defendants above named, the sum of Two hundred and forty thousand dollars ($240,000.00) and a reasonable attorney's fee in the amount of Five thousand dollars ($5000.00), and the amount of Seven thousand one hundred thirty and 90/100th dollars ($7,130.90), their costs and disbursements as taxed, amounting in all to the sum of Two hundred and fifty-two thousand one hundred thirty and 90/100th dollars ($252,130.90) and that execution issue therefor accordingly.

And it is Further Adjudged that the defendants Joseph
1728 Burr, Edward Culhane, and Edward Johnson, of Bethel, John Beckett, Jr., Thomas D. Brooks, William F. Burns, John Byrone, John J. Culhane, James Durnin, Ernest H. Heuser, John N. Lawler, William E. Luke, George F. Marshall, John Miller, Jr., Nicholas Streibig, Stephen Stuckey, all of said Danbury, and John McNamara and Ernest Talmadge of said Norwalk, recover of the plaintiffs their costs at $.....

James L. Martin
By the Court.

.....
Clerk.

Vol. II

TRANSCRIPT OF RECORD.

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, [redacted] 1914

No. [redacted] 358

MARTIN LAWLOR ET AL., PLAINTIFFS IN ERROR,

vs.

DIETRICH E. LOEWE AND MARTIN FUCHS, PARTNERS UNDER THE FIRM NAME OF D. E. LOEWE & CO.

IN ERROR TO THE UNITED STATES CIRCUIT COURT OF APPEALS FOR THE SECOND CIRCUIT.

FILED FEBRUARY 10, 1914.

(24,051)

IN THE

United States Circuit Court of Appeals

FOR THE SECOND CIRCUIT.

No. .....

MARTIN LAWLOR ET AL.,

Plaintiffs in Error,
(Defendants Below.)

vs.

D. E. LOEWE ET AL.,

Defendants in Error.
(Plaintiffs Below.)

TRANSCRIPT OF RECORD.

Error to the District Court of the United States for the District of Connecticut.

VOL. II—Pages 1 to 480.

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FRANK L. MULHOLLAND,
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WALTER GORDON MERRITT,
Attorneys for Defendants in Error.

THE TOLEDO BRIEF & RECORD COMPANY,
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BILL OF EXCEPTIONS.

1

UNITED STATES DISTRICT COURT, DISTRICT OF CONNECTICUT.

May Term, 1912.

D. E. Loewe et al,

vs.

2

Martin Lawlor et al.

Hartford, Connecticut, August 20th, 1912.

Before Hon. James L. Martin, Judge, and a jury.

Appearances:

For the Plaintiffs: Messrs. Davenport & Banks, Bridgeport, Conn.; Walter Gordon Merritt, Esq., New York City.

For the Defendants: Messrs. Bristol, Stoddard, Beach & Fisher, New Haven, Conn.; Mr. Frank L. Mulholland, Toledo, Ohio.

3

Monday, August 26th, 1912, 11 A. M.

Jury impaneled and sworn.

Complaint and answers thereto read to the jury by counsel.

Opening statement to the jury by Mr. Davenport.

JOHN W. SCULLEY,

sworn by Mr. Carroll.

EXAMINED

4

By Mr. Merritt:

Q. Mr. Sculley, you are one of the defendants in this suit? A. Yes.

Q. And you were secretary of one of the local unions of the United Hatters at the time this suit was commenced were you not? A. Yes.

Q. What local union was that? A. Local 16 of the Norwalk Hat Finishers.

Q. That is the local finishers union of Norwalk? A. Of Norwalk.

5 Q. And that takes in its membership all finishers in Norwalk who are in any way affiliated with the United Hatters does it not? A. Yes.

Q. The United Hatters as I understand it are made up of local unions of finishers and local unions of makers? A. Yes.

Q. There are ten local unions of finishers? A. Of that I am not certain. I think twenty-one in all. Twenty-one or twenty-two finishers and makers. Just how many of each I am not sure.

Q. They are about half and half? A. I should think
6 so; nearly that. I think there are one or two more of finishers than there are of makers. Some localities haven't any makers but an organization of finishers.

Q. No makers belong to the finishers union and no finishers belong to the makers union? A. No. Oh, yes, there has been an instance where they have been combined in one local.

Q. Well generally speaking the makers union is made up wholly of those men who work at that branch of the trade known as making? A. Yes.

Q. And the finishers union is made up of that branch
7 of the trade which is known as finishers? A. That is correct.

Q. The work of making covers the process at the early part of manufacture? A. Yes.

Q. And the work of finishing covers the work at the latter process? A. That is correct.

Q. And there is nothing in the work of making which qualifies a man to work at finishing? A. No.

Q. Then this finishers organization and the makers organization cover different branches of the trade? A. Yes.

8 Q. And they are all affiliated together making up the United Hatters of North America? A. Yes, that is right.

Q. And you were secretary of the Local Finishers Union of Norwalk at the time the suit was commenced? A. Yes.

Q. Are you secretary now? A. I am not.

Q. When did you go out of office? A. January of this year I believe; January of this or December of last year.

Q. Who was your successor? A. Joseph Clancey.

Q. And he is still secretary? A. He is still secretary. 9

Q. How long had you been secretary of the Local Norwalk Finishers? A. Nineteen years, I think; nineteen or twenty; nineteen—that is correct; nearly twenty.

Q. Now, Mr. Sculley, the United Hatters is also affiliated with the American Federation of Labor is it not? A. Yes.

Q. Now will you state what office you have held outside of secretary of local unions?

Witness:

I have been a director in the national organization.

Q. You have never held any other office that you re- 10
call? A. I have been a delegate to the convention.

Q. That is a delegate to the convention of the United Hatters? A. Yes.

Q. What convention were you delegate to? A. Every convention since the institution of the United Hatters of North America; 1896, 1900, 1904 and 1908 or 1907.

Q. Let me see; the years are 1896, 1900, 1903 and 1907? A. I think you are right about that. There was one interval of three years—afterwards there was four 1903, 1908, would make an interval of three years.

Q. And you were a delegate at each one of those con- 11
ventions? A. At each one of those, yes.

Q. How were you elected? A. Elected by vote of the men present at the meeting of the Norwalk Hat Finishers.

Q. That was a regular meeting held for that purpose? A. Usually a regular meeting; usually held for that purpose.

Q. You report back to your local as a delegate when you attend a convention as to the doings of the convention? A. Yes, in a measure.

Q. That was a regular practice wasn't it? A. It was 12
expected that delegates would make a report.

Q. It was one of the duties of the delegates to report to his local? A. Yes, to an extent.

Q. It was the practice to report back and you did report back? A. Not in detail. I reported and there usually followed a printed report. A delegate was supposed to make something of a report.

Q. You made something of a report? A. Yes, usually, such report I made on paper—it was appreciated in a general way but the report followed in printed form.

13 Q. There was subsequently printed a report covering all the convention proceedings? A. Yes.

Q. And copies of that came to the local? A. Yes, distributed to the locals.

Q. How many copies of those printed convention reports did you receive?

Q. I am referring now to the convention of 1906. I take them up one at a time. If you want me to put in all this—the same practice applied to them all, we can cover each convention. There was a regular practice wasn't there in regard to the distribution of convention reports?

14 A. Yes.

Q. Now will you explain what that practice was? A. I couldn't tell the exact number, but approximately I think a report to each member; but I am not sure on that point.

Q. As the secretary you were the person who received these reports weren't you? A. Yes, I was.

Q. And they are sent you for distribution? A. They were.

Q. And according to the best of your recollection you received about as many reports as they were members? A. On that point I am not sure.

15 Q. What is the best of your recollection on that point, Mr. Sculley? A. I received a quantity for distribution in the factories; whether there was one for each member or not I am not sure.

Q. Approximately how many members did you have at that time—or that is too general a question. Approximately how many members did you have in the year 1903? A. 240 or 250, I think.

Q. And was the membership approximately the same in the year 1900? A. Yes, it hadn't varied for a number of years.

16 Q. According to the best of your recollection you received these convention reports to the amount of 100 or 200 copies? A. I should think so.

Q. What did you do with those? A. I sent them to different factories to be distributed to the men keeping some for the meetings sometimes.

Q. Did you take them to the factories yourself? A. Usually.

Q. Where did you leave them? A. On the benches where the men were working.

Q. Did you put one next to each man? A. I don't think so, Mr. Merritt; I think one to every one or two or three benches oftentimes. **17**

Q. By bench you mean a place where the men are working? A. Yes, each man having a bench; on benches in the locality.

Q. And you would sprinkle them along the benches where the men were working? A. Yes.

Q. You would do that yourself personally? A. Usually; I might have sent them by someone going to the factory.

Q. You say your practice was to distribute them in that way, yourself, personally? **18**

Q. Now what did you do about the distribution of the journals at this time? I will first ask you as the jury haven't heard about this before; the United Hatters published a journal called The United Hatters of North America, did they not? A. Yes.

Q. And that was a monthly journal? A. A monthly journal.

Q. Now did you receive that journal from time to time during the same period? A. I did.

Q. And did you undertake to distribute it in the same way? A. I did. **19**

Q. Did you receive it in approximately in the same numbers? A. I believe so, relatively.

Q. Now in regard to this journal and these convention proceedings, I will ask you if your supply was ever exhausted? A. Which, monthly supply?

Q. Yes. A. It was my practice to keep one or two and distribute the rest.

Q. Well there were always copies enough for those who wanted them? A. Why there was a number of copies, as I stated. I left them in the factories. **20**

Q. Have you taken the trouble to read these convention proceedings yourself? A. I am not sure that I did, having been present and saw the convention.

Q. You were present and didn't have to? A. No.

Q. Did you read the journal from time to time? A. Well my recollection—I am not sure how much I read but I presume I did read all I was particularly interested in.

Q. Don't you recall whether or not you read copies of the journal from time to time? A. I do. I know that I had copies of the journal from time to time.

21 Q. It was your practice to read them? A. I read them; just how often or how much that I can't recall. I had a chance to.

Q. You turned all the records of your local over to your successor in office, Mr. Clancey? A. I have.

Q. That included your minute book, your books of accounts and any circulars or correspondence which you had on hand? A. Yes, everything on file.

Q. I don't suppose you are able to give me the names of your officers of your local union back in 1903 and prior thereto?

22 Q. Mr. Sculley, were you a delegate to any convention to the American Federation of Labor? A. I was.

Q. Do you recall which one? A. Yes, sir, 1899.

Q. How were you elected? A. By the Board of Directors of the national organization.

Q. At that time there was no referendum vote? A. No.

Q. And I take it that the constitution at that time provided that the Board of Directors elected that way? A. It did.

Q. Did you report back to your local—did you attend

23 the convention? A. I did.

Q. Did you report back to your local the doings of the convention? A. Very briefly.

Q. Did you act upon any committee at that convention? A. I did.

Q. What committee was that? A. Committee on Labels and Boycott.

Q. Who else served on that committee on Labels and Boycott? A. I don't recall the names of the men who served on the local, but the occupation, printers, blacksmith, brewer, cigarmaker—Darnay or Darnell; I think I

24 remember Fox and Darnell.

Q. Did you make a report? A. To the convention?

Q. Yes. A. Yes.

Q. Who were the delegates with you from the United Hatters? A. Martin Lawlor, and James P. Maher. I think Martin Lawlor was a delegate from the state branch of the American Federation of Labor. James P. Maher and myself were delegates from our organization.

Q. Martin Lawlor was a delegate from the Connecticut State Federation of Labor? A. Well one, but I think

Martin Lawlor—Martin Lawlor, James P. Maher and myself were there. 25

Q. And one of them was a delegate from the state convention also? A. Yes, sir.

Q. And yourself and either one of them both represented the United Hatters directly? A. That is right.

Q. You introduced a resolution at that convention relating to F. Berg & Company did you not? Was that resolution part of the report made by the committee on labels and boycott? A. It was not.

Q. You introduced that yourself personally? A. Yes—oh, no, the delegation. 26

Q. What delegation? A. Martin Lawlor, James P. Maher and myself, I believe, signed that resolution in the convention.

Q. This is the resolution—(showing witness book)? A. Yes, that is correct.

Mr. Merritt:

Well I will offer this record in evidence.

Mr. Mulholland:

We object.

The Court:

Objection overruled and an exception. 27

Morning session, Tuesday, August 27th, 1912, 10:00 A. M.

JOHN W. SCULLEY,

on the witness stand.

Mr. Merritt:

I am now going to read a resolution introduced at the convention of the American Federation of Labor in 1909, which this witness, Mr. Sculley, has just identified as being presented by him and Mr. Maher—Mr. Maher was an officer of the United Hatters at that time; is that right, Mr. Sculley? A. That is right. 28

Mr. Merritt:

"Whereas, the United Hatters of North America are at the present time engaged in a strike of large proportion at the factory of F. Berg & Co., Orange, N. J., for the recognition of their union, and for union conditions; and,

Whereas this strike has now lasted about two months, and it is of vital importance not only to the hatters' organization, but also to organized labor in general, that the

29 United Hatters of North America should be victorious in the fight which they are making for the existence of their union; and,

Whereas the United Hatters of North America have never refused to give assistance, financially and otherwise, to their brethren who have asked for it; therefore be it

Resolved that this convention hereby indorsed and approves of the course pursued by the United Hatters of North America in their present fight against a wealthy concern that has declared that it will never recognize any labor union.

30 Resolved, that we call upon all the international, national and local unions affiliated with the American Federation of Labor to give assistance to the United Hatters of North America in the unequal fight which they are at present so manfully making against wrong and oppression by refusing to patronize any dealer or dealers who handle the product of non-union hatters, and more particularly the product of the firm of F. Berg & Co., of Orange, N. J. Adopted."

Q. Mr. Sculley, Mr. Moffit was also present at that convention where this resolution was introduced, was he

31 not? A. He was not to my knowledge.

Q. Wasn't he present at the convention? A. No, sir.

Q. You have known from time to time that the hatters had these agents out on the road, had you not? A. Yes.

Q. Your information concerning these agents has been gathered from the journals and the convention proceedings? A. All the information I possessed I gathered in that way.

Q. Is that practically all your information? A. All

32 that I possess, I take it.

Q. I show you what purports to be the constitution of the Hat Finishers Association of Norwalk, and ask you if you recognize that? A. I do.

Q. Was that in existence in 1903? A. Yes, it was revised in 1899.

Mr. Merritt:

Well, I will offer this in evidence, Your Honor.

(Marked "Plaintiff's Exhibit 1" and laid in evidence.)

Q. Now, I show you what purports to be a constitution and by-laws of the United Hatters of North America

and ask you if you recognize those? A. Yes, I believe 33
that is it.

Mr. Merritt:

Now I will offer this in evidence.

Mr. Mulholland:

Mr. Merritt, what year is that constitution?

Mr. Merritt:

This is 1903.

Q. This is a constitution that was in existence at the time that this suit was commenced? A. Let's see. The constitution of 1903, May, 1903; suit was instituted when?

Q. That went into operation in May, 1903? A. Yes. 34

(Marked "Plaintiff's Exhibit 2" and laid in evidence.)

Q. Now I show you, Mr. Sculley, what purports to be the Convention Proceedings of the United Hatters for 1900, and ask you if you recognize those? A. Yes.

Mr. Merritt:

I will offer that in evidence as Plaintiff's Exhibit 3.

Mr. Mulholland:

I object to the introduction in evidence of Exhibit No. 3 which is the proceedings of the convention prior to the date of the allegation specifically set forth in the bill of complaint, on the ground that it is immaterial. 35

The Court:

What is the date?

Mr. Merritt:

I think it is May, 1900.

Mr. Mulholland:

Three years and two months prior to July 25th, 1902.

The Court:

It may be received subject to exception.

Mr. Mulhollond:

Save the exception.

(Marked "Plaintiff's Exhibit 3" and laid in evidence.) 36

Q. I show you what purports to be convention proceedings of the United Hatters from May 11th to 22nd, 1903, and ask you if you recognize that as such convention proceedings? A. Yes.

Mr. Merritt:

I will offer that in evidence as Plaintiff's Exhibit 4.

Mr. Mulholland:

We object to receiving in evidence Exhibit No. 4 for the reason that there is nothing in the exhibit material to the issue in this case.

37 Mr. Mulholland:

Save the exception.

(Marked "Plaintiff's Exhibit 4" and laid in evidence.)

Q. Now I show you what purports to be convention proceedings of the United Hatters for the year 1907 and ask you if you recognize that as such convention proceedings? A. It appears to be.

Mr. Merritt:

I will offer that in evidence as Plaintiff's Exhibit 5.

Mr. Merritt:

I will ask to have it marked for identification if it will
38 facilitate matters. I won't argue the question at present.

The Court:

What does the witness say about it?

Mr. Davenport:

He identifies it.

(Marked "Plaintiff's Exhibit 5 for identification.")

Mr. Merritt:

I will continue the examination of this witness. It will be necessary to take up some matters here—you see he was present at this convention in 1907 himself.

Q. At the convention in 1900, Mr. Sculley, you
39 served on certain committees did you not? A. I don't know.

Q. You don't recall now? A. I don't recall any.

Q. Didn't you introduce a resolution relative to F. Berg & Co. at this 1900 convention? A. I can't recall it, Mr. Merritt.

Q. I call your attention to page 366 of "Plaintiff's Exhibit 4" which says "Delegates Sculley, Connelly and Phillips were appointed as a committee to draft resolutions in reference to the Berg strike." Do you remember such a committee? A. I do, yes; just what particular convention it was I can't tell.

40 Q. Well, I call your attention to page 369. To the resolution relating to the Berg strike which was introduced by that committee. I will first ask you to look at it and see if you recognize it (handing it to witness)? A. Yes, I recall that, Mr. Merritt, as one introduced.

Q. I should have said "Plaintiff's Exhibit 3." I picked up one of the other numbers by mistake. Then this resolution was introduced in a report presented by yourself, Patrick Connelly, who is also one of the defendants, and Mr. Phillips, who was secretary at that time? A. No,

I would only know by reference to the report as to who were on the committee; that is all. 41

Q. This Patrick Connelly referred to is Patrick Connelly one of the defendants? A. Yes, if his name appears there as signing the report, undoubtedly he did.

Mr. Mulholland:

Do you propose to read it?

Mr. Merritt:

Yes.

Mr. Mulholland:

I object to the reading for the reason that it in no way refers to the plaintiff in this case. 42

The Court:

That stands the same. It will be the same ruling.

Mr. Mulholland:

Save the exception.

Mr. Merritt:

"Whereas the United Hatters of Orange, N. J. have for the past nine months been engaged in a vigorous struggle to enforce the law of New Jersey relating to the hours of labor; and Whereas their efforts have been met by determined opposition from the firm of F. Berg & Co.; and 43

Whereas, the conduct of the United Hatters of Orange New Jersey during this struggle has been such as to gain for them an unsolicited recommendation from the Grand Jury of Essex County; therefore be it

Resolved that the United Hatters of North America in convention assembled, do hereby express our admiration for the noble stand taken by our brothers in Orange, New Jersey, and be it further

Resolved that we heartily approve of every action taken by them in their efforts to secure to themselves and their fellow workers in the State of New Jersey the benefits accorded them by the laws of that state; and be it further 44

Resolved that we pledge to them our continued support until the firm of F. Berg & Co. agree to observe the laws of the state and the rules of this association. The report was unanimously endorsed."

Q. Do you remember who was the Committee on President's Address? A. I don't.

45 Q. The custom of this convention is to appoint a committee after the President has made a report, is it not? A. Yes.

Q. And that Committee on the President's report makes a report to the Convention, does it not? A. Yes.

Q. Then that report is acted upon by the convention? A. It is before the convention for action.

Q. And is acted upon by the convention, isn't it, some way or other? A. It would seem that that would follow.

Q. And the President and the other officers are
46 elected after the President makes his report? A. You mean immediately after.

Q. Some time after? A. Some time after. Some time during the convention.

Mr. Merritt:

"The following delegates were appointed as the Committee on President's Address: Martin Gorman—

Mr. Mulholland:

That is objected to for the same reason as before stated.

47 The Court:

Well that is the same. I will let it in with the same ruling.

Mr. Mulholland:

Exception.

Mr. Merritt:

"Martin Gorman, Carmody, White, Bennett, John Morris. Martin Gorman is a defendant, is he not? A. I don't know.

Q. Well, he is, I will state to the jury? A. Well,
48 yes—I don't know.

Mr. Merritt:

I will read from page 331 of this "Exhibit 3" report of the committee on President's Address.

Mr. Mulholland:

Same objection.

The Court:

Same ruling.

Mr. Mulholland:

Exception.

Mr. Merritt: 49

"In view of the splendid results so far accomplished in the fight against the firm of F. Berg & Co., your committee heartily recommend that this convention endorse the action taken in that struggle by the General Executive Board and Board of Directors and recommend a continuance of the fight until such time as the firm of F. Berg & Co. shall sue for peace and make unconditional surrender to the United Hatters of North America. The paper was voted on by Yeas and Nays. All of the delegates voted in the affirmative." And on page 332 of 50
the same exhibit I will read a further statement from this same committee's report.

Mr. Mulholland:

The same objection, if the court please.

Mr. Mulholland:

Exception.

Mr. Merritt:

"Your committee also recommend that at least six men be hereafter kept on the road advertising the Union Label and fighting the sale of non-union made hats and that a salary be fixed by the convention and that the 51
salary be paid by a percentage tax to be levied on the earning capacity of the general membership of the organization. This was amended on going to the General Executive Board, the Board to fix the number of men to go on the road." No, Mr. Sculley, the United Hatters has a Board of Directors has it not? A. Yes.

Q. Consisting of ten members, does it? A. It has varied, has been twelve down I think ten is the lowest number we had.

Q. And there is also a General Executive Board which is referred to here? A. Yes, sir. 52

Q. Will you state what it is? A. At this time?

Q. What it was at the time suit was commenced? A. It consisted of four officers at the time, President, Vice President, Secretary and Treasurer.

Q. Now who held these offices? A. I am not quite clear. I know Moffitt, John A. Moffitt was President. What time do you speak of now?

Q. 1903? A. John A. Moffitt was President.

Q. James P. Maher, Treasurer? A. I am not sure whether he was at that time or not.

53 Witness:

I am quite well satisfied, now, Mr. Merritt, that he was.

Q. Mr. Maher was Treasurer? A. Yes, he was Treasurer. Prior to that Mr. Maher held the office of either Vice-President or Secretary.

Q. And Mr. Lawler is a defendant? A. Yes.

Q. I will ask you to examine the list of delegates at that convention and give me the names of those present who are defendants in this action? A. As I find them, Mr. Merritt?

54 Q. Yes? A. I find the name of Martin Lawler.

Q. Don't you find the name of William P. Bailey at the very beginning? A. I find William P. Bailey, but whether or not he is a defendant I really don't know.

Q. I thought you would know? A. I haven't seen the list in a long time, in fact I never was very familiar, except in my own district.

The Court:

Which of the defendants do you claim were present?

Mr. Merritt:

55 Martin Gorman, John Sculley, Martin Lawler and William P. Bailey.

Mr. Davenport:

I propose to read the report made by John A. Moffitt.

Mr. Mulholland:

That is objected to, if the court please.

Mr. Davenport:

The Convention of United Hatters at which the witness and these defendants were present.

Mr. Mulholland:

That is convention of what year?

56 Mr. Merritt:

1900.

The Court:

That same report that was read in the former trial.

Mr. Davenport:

Yes, Your Honor.

Mr. Mulholland:

We object.

The Court:

Note the exception. Proceed.

Mr. Davenport: 57

"The roll of delegates was then called. All were present. The President read the following address: 'Mr. Chairman and Gentlemen of the Convention: In presenting to you my report of the work of our organization for the past year, I desire to dwell particularly and at some length on the strike now going on in the District of Orange, N. J., against the non-union firm of F. Berg & Co. In this connection I wish to call your attention to the causes which led up to the strike, and to give some history of the struggle and of the action taken by your National Board of Directors and General Executive Board in conjunction with the local association of Orange, to force this firm to obey the laws of the State of New Jersey, to recognize the laws of the United Hatters of North America and to accord humane treatment to its employees. 58

'Our fight against this millionaire family firm, whose name for years has been a synonym for all that is opposed to organized labor and labor-unionism was not entered into hastily or without full and judicious consideration of all the questions which it was known would be involved in a struggle of such a nature and magnitude. 59

'For many years there has been in the district of Orange, New Jersey, a surplus of labor, noticable as well in the busy as in the dull seasons. The recognized fact that a surplus of labor means low wages made the problem thus presented to the Executive Board of Orange a serious one, and one difficult of ready solution. It was suggested by members of the local association that a committee be appointed to endeavor to solve the problem of obtaining employment for the unemployed members. This committee was appointed, and, after considering and working over the matter for several months, made a report to their organization, recommending that ten hours should constitute a day's work. The reason given for making the proposition was based upon the fact noticed by the committee that in many of the union factories in the district a number of the men worked from twelve to fifteen hours a day which were virtually doing the work that two men should have been employed to do. The local association of Orange adopted the committee's recommendation in the form of a resolution, and immediately 60

61 put the ten hour rule in force, and only a few weeks had elapsed before there was a noticeable decrease in the former large surplus of labor in the district. This decrease was, in fact, so noticable that the local organization decided it to be advisable for the best interests of the general membership to still further decrease the hours of labor per day, and the Local Executive Board introduced a resolution which was unanimously adopted by the organization, to enforce the state law making fifty-five hours a legal week's work in factories, the fifty-five hours being divided into ten hours a day for five days in a week and
62 five hours on Saturday.

'Upon the adoption of this resolution the union manufacturers in the district were notified that the fifty-five hour law would be in force upon a certain date, September 7th, 1899. The union manufacturers contended that it was impossible for them to fill their orders in fifty-five hours a week, but on seeing that the organization was determined to enforce the law, they (the manufacturers) agreed to its being put in force; and, gentlemen of the convention, I desire to say right now that upon the enforcement of the fifty-five hour law instead of the once
63 great surplus of labor, it is a fact, I assure, you there was almost at once a scarcity of labor in the Orange District. A short time after the fifty-five hour law had been enforced in the union factories, however, there was a protest from the union manufacturers, who complained to the local Executive Board that they were being unfairly and unjustly treated by our organization, inasmuch as we were permitting members of our organization to work foul or non-union factories as many as seventy to seventy five hours a week, thereby retarding the progress of the union manufacturers and assisting in the progress
64 and prosperity of the foul or non union manufacturers, for the reason that by permitting the members of our association to work the long hours referred to, it enabled the foul manufacturers to fill their orders many weeks in advance of the union manufacturers who obeyed the fifty-five hour law and gave the non-union manufacturers an opportunity to obtain or receive whatever duplicate orders there were to be had in the market, so that by the time the union manufacturers had their regular orders filled there were no more duplicates to be had. All this meant

the continuous running of the foul or non union factories while the union factories were closed down a part of the time for lack of orders and a large number of our members were walking the streets. The contention raised by the manufacturers was readily acknowledged by the local executive Board to just and logical and they therefore decided that wherever members of the association were employed that they in order to retain their membership in the United Hatters of North America, would be obliged to live up to the fifty-five hour law. 65

'In the factory of F. Berg & Co., the largest factory in the Orange district, and only second in size to the largest soft hat factory in the country, there were employed at the time the big strike was inaugurated 265 hand finishers and 220 sizers, and the firm also had in the neighborhood of fifteen factories, known to the trade as "buckeyes", sizing hats for them. Among the employees of this firm there were, at that time, 110 members (makers and finishers) of our organization. 66

'On September 15, 1899, the members of our association who were employed in the Berg factory were officially notified that they would be obliged to observe the fifty-five hour laws and stop work precisely at noon on Saturdays. Our members, upon receipt of this notification, stopped work as instructed, and were thereupon notified by the representative of the firm of F. Berg & Co. that should they stop work on the following Saturday they would be immediately discharged and, in fact, there were some of our men discharged for obeying the law when notified to do so. Upon being notified that they would be discharged should they observe the fifty-five hour law, the members of our organization employed in the factory —110 in number, as before stated—stopped work in a body on Friday, September 22d. Not only did the members of our organization stop work, but so, also, did the remaining members of the shop's crew stop work on their own volition, with the exception twenty nine men in the fininshing department. The five hundred members of the Berg shop crew were made up of four classes of men, according to the laws of our organization, as follows; seventy members in finishing department and thirty in making department were regular paying members; the second class men were those who had been suspended for 67 68

non-payment of dues; the third class included those who had gone foul on the organization, and the fourth class was made up of men who had never been members of the United Hatters of North America or any other hatter's organization.

'It was within the province of the Orange organization to deal with the first three classes, but not with the fourth class, because of the fact, as stated, that they had never held membership in United Hatters, and therefore the National Board of Directors was the only body, which, under our laws, has the authority to admit members of this class to membership. A few days previous to September 22nd your President issued a call for a meeting of the National Board of Directors to pass upon a number of matters for the general good of the organization, and the local executive board of Orange requested that, as the board was about to meet, it be convened in Orange in order that the trouble at the Berg factory might be laid before it. This request was granted, and when the National Board of Directors met at Orange on September 27th, 1899, the local executive board of Orange appeared before it and gave a lengthy and detailed statement of what the trouble was and what had brought about the then existing difficulties with F. Berg & Co. After the statements of members of the local executive board had been heard, a communication was received from a Committee of Hatters from Newark, in which they requested the privilege of the floor. This privilege was granted and the Newark Committee made lengthy statements as to promises that had been made to them from time to time in the past by our organization, if they would interfere when trouble of a serious nature arose between union bosses and members of the United Hatters of North America. They claimed that promises had been made them on several occasions that if they would keep away from factories in which trouble existed they would be taken into membership in the United Hatters of North America, but that when these difficulties had been settled, in every case, those who had made the promises to them refused to keep their promises. The members of the committee also claimed that they represented some fifteen hundred hatters, members of a so called organization known as the United Hat Makers of America; that they

had lost confidence in those who had made them promises in the past, and that should their appeals be ignored at that time by the National Board of Directors they were determined to man Berg's shop with sufficient help in all departments. The Board of Directors after hearing the statements of this committee, decided to take up the matter for consideration, but it was later agreed to lay the question over for consideration on the following day, and the consideration of the Orange matter was resumed. The members of the Board, after discussing the Berg trouble in its various phases for several hours, decided by unanimous vote to sustain the action of the Orange Association, and to use all fair means in their power to make the factory of F. Berg & Co. a union factory, as it would be for the best interests of the general organization to do so. 73 74

On September 28th, the local executive board of Orange submitted to the Board of Directors a long list of names of men to whom it was desired cards of membership should be granted. The Board took the names under consideration, and by unanimous vote, on a resolution offered to that effect, decided to grant cards to all those whose names appeared on the list who were twenty one years of age and over, for an initiation fee of $5.00, to be paid as follows: $1.00 down and balance at the rate of ten per cent. on the weekly earnings of those to whom the cards were granted, until the full amount was paid. It was discovered that some of those whose names appeared on the list were responsible to the other local associations for certain offences committed by them, and upon motion the Board of Directors decided to appeal to these several local associations who had charges pending against these men to deal with them as leniently as possible. When notified of the action of the Board of Directors regarding their cases these men expressed themselves as very well pleased with the terms upon which cards had been granted them. At the same meeting of the Board the question of unionizing a large number of men who were at the time working at the trade was taken up by the directors and was under consideration when the Board adjourned. On September 30th the Board reconvened at New York to take up and pass upon matters for the consideration of which they had been first called together. 75 76

77 After disposing of a number of important matters laid before them, the Board again took up the question brought to its consideration by the Committee of Newark Hatters and it was there and then decided that a committee of three members of the Board, consisting of President Moffitt, Director Sculley of Norwalk, and Director Byron of Newark, should attend a meeting of the organization known as the United Hat Makers of America that was to be held that Thursday evening at the corner of Prince and Court Streets, Newark, N. J. The above named committee attended the meeting of the United Hat Makers
78 of America on the night referred to, and again then requested them to refrain from interfering in the fight between the United Hatters of North America and the firm F. Berg & Co., and they were urged by Directors Sculley, Byron and your President to go back to their respective factories and make an attempt to raise their condition to the same standard as prevailed in the union factories, they being assured that when they had accomplished this we would consider the merging of their organization into that of the United Hatters of North America. This
79 proposition was under consideration by the meeting when your committee left the hall.

'On Friday September 29th, the committee reported back to the Board of Directors what had occurred and transpired at Newark, and it was thereupon decided that the report of the committee should be received, and committee appointed to represent the National Organization in the trouble then existing at Orange. This committee as appointed consisted of Messrs. Moffitt, Byrne, Maher and Byron. On the next day a committee composed of officers of the Orange Association appeared before the
80 Board of Directors at New York, where they were still in session, and reported that 150 members of the organization known as the United Hat Makers of America were going to the Berg factory on the following Monday morning to take possession of the factory. The report was referred by the Board of Directors to the committee appointed on the preceding day, and the board decided by unanimous vote to delegate to that committee the power to grant cards of membership whenever in the opinion of the committee it was necessary to do so to aid in winning Berg's factory. Upon adjournment of the Board on Sep-

tember 30th the Committee referred to above went to Newark to investigate the report concerning the 150 men said to be ready to go into the Berg factory to take the place of the strikers. The committee found the United Hat Makers of America in session in that city on the following day, October 31st, and went to their hall, where hearing was asked for and obtained, and your committee pleaded with the members of the organization to stay away from the Berg factory. The members of the so called organization were obdurate. They had decided to man the Berg factory the next morning, and even refused your committee's request for them to appoint a committee to confer with us to see if some compromise could not be effected before carrying out their threat to send men into Berg's. Before the next morning, however, their determination had evidently weakened somewhat and and when your National Committee met at Orange on Monday morning, October 22nd, a committee representing the United Hat Makers of America appeared before us and stated that they had reconsidered their decision to send men into Bergs at once, and desired a conference. The conference was granted and lasted several hours, at the close of which time the committee had been unable to agree upon anything definite in the way of a settlement, and your President being advised by responsible people, decided to dispatch a messenger to New York and request one Joseph Barondess to appear before your National Committee, as we knew that Mr. Barondess wielded sufficient influence with the United Hat Makers of America to keep them from going into Berg's factory. Mr. Barondess, together with a committee from the United Hat Makers of America, appeared before your national committee on the following day, Tuesday Oct. 3, and a long conference was held, at which it was decided that the best and only thing to do was to grant cards of membership to the members of the United Hat Makers of America for the initiation fee prescribed by the Board of Directors, for the following consideration: 'That they, the United Hat Makers of America, turn over to the keeping of John A. Moffitt, President of the United Hatters of North America, all books and properties of said organization excepting funds, and also all copyrights, titles plates, and seventeen thousand printed labels of the said organ-

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85 ization known as the United Hat Makers of America, which was done, and the property described is now in the keeping of the United Hatters of North America.

Your committee was then obliged, by virtue of this agreement, with the United Hat Makers of America, and to prevent them from going into Berg's factory to take into our organization in the neighborhood of 1400 men more or less. At a meeting of the National Board of Directors held at Orange on Oct. 16th, everything that the committee had done and had transpired at Orange since the Board adjourned at New York on Sept. 30th was
86 reported in detail and the committee's action was fully endorsed. At the same time an appropriation of $500 was made towards paying the expenses of the trouble existing in Orange, and the National Committee placed in charge of the Berg strike was authorized to draw on the national treasurer for a like amount at the end of two weeks if it was then considered necessary. At this same meeting it was deemed advisable to send a committee to wait upon the firm of F. Berg & Co., but the committee was refused an audience, and it was then decided by the Board of Directors to keep up the fight against
87 the firm indefinitely, or until such time as the firm might sue for peace. Another attempt, to which I will refer later was made sometimes afterwards, by a disinterested party, to secure a conference with the Bergs with a view to arbitrating the difficulty, and was met in the same unfriendly, hostile spirit. On the day following their refusal to see a Committee from your National Board of Directors, the firm of F. Berg & Co. employed members of an organization known as the Gregory Detective Agency to patrol the streets in the vicinity of the factory. These detectives, it turned out, were imported for the pur-
88 pose of intimidating our men, and forcibly bringing men into the factory who were brought to the district by Berg agents under misrepresentations, and who when once in the factory were kept and lodged under lock and key, and guarded by members of the Detective Agency. The firm also brought their legal adviser to the factory several times to secure evidence by which they could if possible have the members of your committee and organization indicted under the conspiracy law of the State of New Jersey. I found it necessary at that time, for the protec-

tion of our members to call in the legal adviser in the State of New Jersey of the United Hatters of North America, Mr. Joseph A. Beecher, to ascertain what our legal rights were in the matter. Mr. Beecher furnished your national committee with a copy of the laws, defining their rights in the premises, and also notified the chief of the detective agency that the United Hatters of North America were acting under his advise, and that he would at once appeal to the courts and have warrants sworn out for the arrest of the detectives if they should in any way attempt to intimidate or threaten any of the members of our organization. 89 90

'When the firm of F. Berg & Co. learned of these facts they appealed to the justice of the Court of Oyer and Terminer, representing to him that the strikers had threatened to destroy property and were violating city ordinances and state laws in general. This Justice of the Court of Oyer and Terminer charged the Grand Jury of Essex County upon the representations made to him by Berg & Co. in which charge to Grand Jury the striking members of our Association and those in charge of the strike were held up as conspirators. As a result of this charge your President was subpeonead to appear before the Grand Jury. Upon being questioned by this board of interrogators as to the facts in the case, your president made a detail statement to the Grand Jury of the existing conditions in the Berg factory and vicinity and the causes which had led to the trouble with Berg & Co., and after hearing this statement the Hon. Herman Lehlbach, who is an ex-member of the Foreign Relations Committee of the United States House of Representatives arose from his chair and on behalf of the Grand Jurors thanked your President personally, and the United Hatters of North America generally for the gentlemanly manner in which they had conducted themselves during the strike and hoped that the firm of Berg & Co. would see the wisdom in the near future of acceeding to the requests of the United Hatters of North America. On the following Saturday the Grand Jury made a presentment of their finding to the court, when the Berg strike was reported on in the following manner: 'We take great pleasure in saying that the employees in this case have conducted themselves as lawabiding citizens should, and that there has not been 91 92

93 any breach of the peace on their part. The good order maintained in the City of Orange during this strike reflects credit alike on the authorities and on the parties interest.'

'I am pleased indeed to be able to say that three days after the above presentment of the Grand Jury the Gregory detectives were discharged from the employ of F. Berg & Co., and left the city of Orange. In the meantime a strike committee had been selected from the local association which had been given work of different kinds to do and the Berg factory was placed in a state of con-
94 tinual seige. Every man on the strike committee had his own particular work to look after, and was in entire ignorance of the certain line of investigation or other work on which another member of the committee might be engaged. The men performed their work intelligently and energetically, with such good effect that after a few weeks Berg & Co. became disgusted at seeing men who had been secured for them by agents at considerable expense taken under the espionage of the strike committee and conducted to strike headquarters immediately on reaching town, and the firm gave up the struggle to secure
95 competent hatters to form a new shop's crew, and filled the factory up with sewer laborers and bootblacks who have since been undergoing the process of being converted into hatters under the tuition of the handful of traders and renegades and remained in the factory when the strike was inaugurated.

Soon after the beginning of the strike your general executive board was convened at Orange and at that meeting it was decided to request the general membership of our organization to assess themselves two per cent. of their earnings to provide funds for the carrying for-
96 ward of the strike, and I am pleased to be able to state that this request was not only unanimously but handsomely responded to. It is indeed almost impossible for me to find words to express my feeling of gratitude to the members of the organization for the splendid manner in which they replied to the request made of them by the Executive Board. To say that the response to this request was generous, magnanimous and self sacrificing on the part of our general membership would be but to inadequately express my sentiments on the subject, for up to

the present time some $18,000 has been received from 97
that source of revenue only. We were enabled from this
source of revenue to pay the married men among those
who had left the Berg factory a strike benefit of $6.00 a
week, and the single or unmarried men $4.00, thereby
placing all the men who had left the factory out of want
and virtually tying up that gigantic institution of F. Berg
& Co. completely leaving them without skilled workmen
or any means of getting them, and putting them in a posi-
tion where they were obliged to resort to desperate efforts
to have their orders filled in other factories. Several 98
factories were detected in the act of filling orders for
Berg & Co. and were warned that if they did not immedi-
ately desist they would be deprived of the right to use
the Union Label of the United Hatters of North America
in their hats. Except in one or two cases this threat was
sufficient to induce these manufacturers to discontinue
doing work for Berg. In the case of Austin, Drew & Co.,
however, it was found necessary to withdraw the label
from the factory three times on this account before the
firm finally agreed not to do work for Berg, or to fill his
orders under any circumstances. On December 20th, 99
your President found it necessary to remove the label
from the union stiff hat factory of Volk & Co. at South
Norwalk, Conn., because of that firm's violation of its
promise to the national officers to stop handling Berg's
soft hats. After making that agreement it was discovered
that the firm was continuing to sell Berg hats, which al-
though they did not contain the label were represented
as coming from the Union Factory of the Volk Co. and
were consequently believed by dealers to be union made.
The firm's promise to your National Committee to stop
handling Berg's soft hats was made on December 8th, 100
when the Volk Co. wrote to your Committee in part as
follows: 'We have also called in our salesman, and he
is now in the city with the Berg and our samples, and,
therefore, all business relations with F. Berg & Co. have
been severed in the selling of their hats'. That this
promise was merely an attempt to pull the wool over the
committee's eyes was evidence a week later when your
committee learned that two cases of Berg hats had been
shipped by the Volk Co. to a San Francisco concern, and
upon proof of this the Union Label was taken out of the

101 Volk factory. Since then your committee has also learned of another attempt of this company to sell Berg hats by misrepresentation by the adoption of a fictitious firm name. A few weeks ago it was reported to your committee that two salesmen known to be connected with the Volk Co. were taking orders for Berg hats ostensibly for the 'Sterling Hat Co.' Investigation revealed the fact that the Sterling Hat Co. existed only on paper 'Sterlin' being the trade mark of the Volk Co. This scheme to force scab made hats upon dealers and the public as union made goods has been exposed by the Orange Association,
102 as has a number of similar schemes, by means of circulars addressed to trade unions throughout the country, and through another method which I will refer to later.

'After the above described methods of conducting the strike had been in progress for several weeks, your Executive Board, upon a careful review of the situation, decided to change the policy of the strike somewhat and to curtail the expenses at Orange as far as possible without interfering with the rigid espoinage of the Berg Factory and the work of the local committee, and to use all the money that could be obtained in sending mission-
103 aries to different parts of the country to fight the Berg hats in particular and to advertise the union label in general.

Your committee at Orange came in possession of the all important information in matters of this kind as to where shipments were being made from the Berg factory decided to send missionaries to the following central localities: San Francisco, Cal.; New Orleans, La.; Atlanta, Ga.; Louisville, Ky.; Cincinnati and Cleveland, Ohio; Milwaukee, Wis.; Detroit, Mich.; Des Moines, Iowa; St. Paul, Minn.; St. Louis, Mo.; Omaha, Neb.; Denver, Col.;
104 Butte, Mont.; Chicago and Falesburg, Ill.; Pittsburgh, Penna.; Massachusetts, Rhode Island, Richmond, Va., Nashville, Tenn.; and Mobile, Ala. This was done and these missionaries had been out but a short time when results of their work were shown in the increase of orders received by the fair factories which were soon working to their fullest capacity, while the non union factories were practically at a standstill, and the former enormous output of the Berg factory averaging 2400 dozen hats per week had been reduced to something like 450 to 500

dozen a week. When the strike at Berg's had been in 105
progress about two months an effort was made by the
Newark Daily Advertiser which from the beginning of the
struggle had almost daily shown its friendliness to our
cause to secure arbitration of the differences between the
firm and the union. Two clergymen, one the parish priest
and the other the minister of the church which the Bergs
attended were induced by a representative of this news-
paper to offer their services as members of a Board of
arbitration, the third member of the board to be a disinter-
ested party selected by them. Your committee, at the
solicitation of the Advertiser, agreed to submit its case to 106
the propose arbitration board, but when the newspaper
representatives suggested the scheme to members of the
Berg firm they positively refused to submit their claims
to the board or even agree to an informal discussion of the
question before the gentlemen named. Since the United
Hatters of North America began their fight against Berg
& Co. that firm and its agents have resorted to every con-
ceivable device to win members of the organization to
their side and to deceive your committee as to the condi-
tion of affairs within the factory. A favorite trick to win
men, which, however, was without success, owing to the 107
watchfulness of the strike committee was to the learners
employed in the factory to the homes of the strikers to
exhibit books alleged to show that these beginners were
earning large wages. It required little difficulty to dis-
prove the truth of these claims in every instance, and it
has been proved by your committee a number of times
that a majority of the foreigners who were supplied to the
concern under a contract with a padrone to take the place
of union workmen have been paid a dollar a day or less.
The employment of these foreigners has been a constant
source of annoyance to business men and residents of 108
Orange Valley because of their almost universal practice
of carrying fire arms and concealed weapons, this being
done at the suggestion of the firm, and no more convinc-
ing evidence could be produced if any were needed, of the
orderly, businesslike manner in which the strikers have at-
tended to their own business and conducted their affairs
that there has not been a single case of disorder during
the entire history of the strike in which our members have
been concerned that has called for police interference,

109 while the police court docket for the city shows records of a score or more of cases in which these 'scabs' have been arrested and fined for disturbing the peace of the community in more or less serious fashion. It is also pleasing to be able to commend the loyalty of those of our members who left Berg's factory at the beginning of the strike, many of them at some self sacrifice, but who, with a few exceptions, have refused to desert our cause, despite the most flattering offerings and bribes offered by the non union firm we are fighting. The few men who have in this fight proved traitors to the organization are those
110 who have for years been looked upon by the officers of the organization with suspicion, and whose desertion of the cause when they returned to work in the Berg factory caused no surprise among those who knew their records. The popularity of our organization and the interest taken in our fight by the people of Orange was flatteringly attested during the first week of December last when a bazzar was held in the Orange Armory under auspices of the local organization for the benefit of the strike fund, and the armory which is the largest hall of the kind in the city was filled nightly with crowds of rep-
111 resentative citizens.

Your committee received great encouragement in their fight against Berg & Co. when on Dec. 12th last the American Federation of Labor in this National Convention adopted the following resolutions: 'Whereas the United Hatters of North America are at the present time engaged in a strike of large proportions at the factory of F. Berg & Co., Orange, N. J., for the recognition of their union and for union conditions, and

112 Whereas this strike has now lasted about two months, and, in consequence, of a large majority of the late employees of the Berg concern being unemployed, the expense entailed upon the members who are employed has been enormous, and

Whereas it is of vital importance not only to the Hatters' Organization, but also to organized labor in general, that the United Hatters of North America should be victorious in the fight which they are making for the existence of their union, and

Whereas, the United Hatters of North America have never refused to give assistance, financial or otherwise, to their brethren who have asked for it; therefore be it 113

Resolved that this convention hereby endorses and approves of the course pursued by the United Hatters of North America in their present fight against the wealthy concern that has declared it will never recognize any labor union.

Resolved that we will call upon all the international, national and local unions affiliated with the American Federation of Labor to give all the assistance possible to the United Hatters of North America in the unequal fight 114 which they are at present so manfully making against wrong and oppression, and we hereby pledge ourselves not to patronize any dealer or dealers who handle the product of non-union hatters, and more particularly the product of the firm of F. Berg & Co., of Orange, N. J.'

This friendly action of the American Federation of Labor committing every affiliated trades union in the country to co-operate with us in the struggle against the un-American methods of this firm was productive of the greatest good to our cause, and every part of the country into which our missionaries have penetrated, has, largely by 115 this means been made aware of the magnitude and importance of our fight. So general and hearty has been the sentiment with which our cause has been approved and aided by labor unions through the United States that time and the patience of the convention forbids me making individual acknowledgment of the assistance our fight has received from these organizations, and I can only, in a general manner, express the appreciation and thanks of myself and the members of your strike committee and general executive board to the unions and kindred organizations which have in the most enthusiastic spirit of co-operation 116 made our fight their own.

One outcome of the Berg strike was the closing in the early part of the present year of four 'buckeyes' in the Orange District in which it was discovered that hats were being sized for Berg & Co. by members of our union despite the fact that at that time the firm was making claim to the press and public that they had all the men they wanted. Thirty-two men, most of whom were members of our organization were called out of these 'buckeyes' and a majority of these, as well as those who originally left the

117 Berg factory have had employment found for them in union factories. At about the same time indications of the effective work of our missionaries and local committee began to be seen in the fact that your committee was beseiged by men working in the Berg factory with applications for membership cards, these men declaring that they were convinced that Berg & Co. could not hold out much longer, and that they were sorry for the position in which they had placed themselves and anxious to become members of our organization. Your committee decided, however, to make no exceptions to the rule they had adopted
118 to issue no cards to those who had assisted Berg & Co. against the organization, and in the interests of the general membership has consistently carried out this policy although the applications have been renewed and continued persistently ever since. Since the Berg strike began the union label of our organization has been registered in the States of California, Maryland, Georgia, Missouri and Kentucky, and is now registered in 18 states. In the last four years thirty factories have been unionized through the efforts of your general executive board and local associations. Some of those which have recently adopted our label and complied with the laws of the United Hatters of
119 North America in making their factories union factories are Parmley & Co., Goodman & Co. and Stern & Co., of Newark, and C. B. Rutam & Co., of West Orange."

Mr. Davenport:

Passing by now some portions of this report which are by no means relevant, I read now from the bottom of page 308, the last paragraph: "In view of the splendid results so far accomplished in the fight against the firm of F. Berg & Co. I most heartily recommend that the convention endorse the action taken in that struggle by the General Executive Board and Board of Directors and order the con-
120 tinuance of the fight until such time as that firm shall sue for peace and make unconditional surrender to the United Hatters of North America.

I would also urge upon the convention the importance of the work which has been done upon the road in all parts of the county by the missionaries sent out by the National Board of Directors, and recommend that at least six men be kept on the road advertising the union label and fight the sale and use of non-union made hats, these missionaries to be paid a salary to be fixed by the General Executive

Board or the convention, and such salaries to be paid by a 121
percentage tax to be levied upon the earning capacity of the general membership."

By Mr. Merritt:

Q. Mr. Sculley, do you know what measures were taken to obtain information concerning Mr. Berg's customers? A. I don't, I haven't the slightest idea.

Q. Were you on the committee of the United Hatters that had charge of this matter? A. I was not.

Q. And isn't it true that information was obtained from a factory that made boxes for Berg? A. I have no knowledge of it. Never heard of it. 122

Q. You have no recollection? A. I never heard of it. I don't know.

Q. You haven't any information whatsoever as to the way the information concerning Mr. Berg's customers was obtained? A. I have no knowledge whatever.

Q. I see here on page 114 of these proceedings in the statement by McCarthy—McCarthy was one of the men who had charge of this Berg matter, was he not?

Q. Mr. McCarthy was a director at that time? A. Yes, he was a member of the Board of Directors, I know that. 123

Q. But you don't recall that he was one of the directors that had particular charge of this Berg matter? A. I don't know, I haven't seen the name since that time.

Q. You do recall that there was a certain debate between certain directors and officers relative to the action which had been taken, do you not, and that that debate took place at the convention in 1900? A. Make that question a little clearer, Mr. Merritt.

Q. Examine the first part of this convention proceedings, examine it briefly. You will see that there was a debate in which you participated relative to the action of the United Hatters in taking in these fifteen hundred new 124
members? A. I see a discussion between the delegates and the convention.

Q. There was a discussion between a good many of them, wasn't there? A. Well, to get the meat of it, I would have to read considerable of it. I am not familiar with it at this time.

Q. Don't you remember that at that convention there was a very high dispute as to the action that had been taken by the officers having charge of this Berg strike when they

125 took in those 1500 new members? A. I am not so sure on that point.

Q. Don't you remember the discussion that took place as to the Philadelphia delegation? A. Yes, I do.

Q. That grew out of the matter Moore in Philadelphia? A. I think it did; or they were talking of Reading rather than that.

Q. You say there was a lengthy discussion? A. Yes, more dealing with Reading that talk that time.

Q. And McCarthy was one of the men that took part in that discussion? A. Apparently from the record.

126 Q. You were present at that discussion? A. That I am not sure of; I can't recall it only as it appears on the record.

Q. Well, you stand by the record? A. Yes, I do.

Q. And it appears here that you did take part in the debate? A . No, I haven't seen that part of it, Mr. Merritt, if the discussion took place.

The Court:

Don't you remember about that, Mr. Sculley, whether you did or didn't? A. There were other discussions during the convention probably having to do with the same

127 subject matter, and whether that was talked I am not sure of, that he has reference to.

Mr. Merritt:

This discussion covering three hundred pages—

Mr. Mulholland:

I take it that was the 1900 convention.

Mr. Merritt:

It is.

The Witness:

I couldn't say what that particular discussion was. We had a good many during the fourteen days of the conven-

128 tion.

Q. You remember one discussion which in length stood entirely by itself? A. I remember one in which Moore and the delegates from Philadelphia were concerned took up some time in the convention.

Q. That is the discussion to which I am referring? A. Yes, I remember of it that the feeling was growing out of the granting of cards during that strike, but it was my impression that it was granting those in Reading, Penna.

Q. You don't recall that it concerned granting cards in the Berg fight in Orange? A. I don't remember that,

whether it had to do with Orange or Reading. My im- 129
pression was, and is yet, that it had to do with the granting of cards in Reading. The granting from Reading or Philadelphia District of new cards.

The Court:

We will take a recess for ten minutes.

Recess.

Mr. Beach:

To avoid repetition, it is stipulated, with the consent of the court, that the objection heretofore made to the admission of "Exhibits 3 and 4" and to the reading of the resolution introduced at the convention held in 1899, name- 130
ly, that the same are irrelevant and immaterial and if admissible at any stage of the testimony, not admissible until after evidence offered tending to prove the specific conspiracy set forth in paragraph 20 of the complaint, may be considered as taken and applied to all testimony relating to F. Berg & Co. and H. H. Roelofs & Co.

Q. I just want to call your attention to a statement made, Mr. Sculley, in the 1900 convention, by Mr. McCarthy, and ask you if it doesn't refresh your recollection related to the Berg matter: "We were in box factories at twelve o'clock at night for the purpose of getting informa- 131
tion and certainly you know were out at night from the fact of your having a telegram" from McCarthy reporting that they obtained information from box factories concerning Berg's customers." A. That sounds new to me. I don't recollect it at all.

Mr. Merritt:

I am now going to suspend with this witness while Mr. Davenport reads from another of these exhibits.

Mr. Davenport:

I now read from the proceedings of the convention of 1903, Exhibit 4, second trial: "This list of delegates from 132
Local No. 1, Bethel Makers, Martin Lawlor and William English." Martin Lawlor is a defendant,—is English?

Mr. Merritt:

No.

Mr. Davenport:

"Local No. 2 Finishers, John Cords and Frank P. Ferry," "Local No. 10, Danbury, Makers, Peter McGlone," he is a defendant. "Peter Gallagher, James Maher, Charles Hanstein, Patrick J. Lynch, P. H. Connelley," he is a de-

125 133 fendant, and "Local No. 11, Danbury, Simon Blake, he is a defendant, Louis E. Orton, Patrick F. Drumm, Charles H. Velie, John Rothery and H. C. Shalvoy," he is a defendant. Then I read from page 11 being the report of President Moffitt: "To the Officers and Delegates of the Convention of the United Hatters." This is three years later than this previous report. "Today we are opposed by only twelve non-union hat factories in the United States. In 178 factories large and small our members find employment, and union conditions exist, conditions which guarantee to both manufacturer and workman fair treatment,
126 134 justice and good prices. Of this number of union factories 63 have been unionized in the last three years. In that time our membership has grown a third larger. As delegates you today represent the will, the sentiment and the ideas of more than 9000 men who earn their living at hatting. The welfare of forty thousand wives, children and mothers depends upon your wisdom and discretion. It has been an eventful three years in our work which we have just passed. There has been much to claim and require the attention of your general officers. Besides administering the routine affairs of the organization, guarding zealously
27 135 the use of the union label, adjusting the countless grievances and difficulties of more or less serious nature that are constantly arising, and continuing the campaign for improved conditions all along the line we have had to conduct three fights for unionism of unusual importance. Two of these I am happy to state have been brought a successful culmination, upon which I felicitate the organization. A third is now being waged with vigor and with every prospect of being equally successful. Excepting in these three instances the task of unionizing the three score and more of factories which have been brought under our laws has
28 been accomplished without prolonged or costly contest.
136 The Berg strike in progress at the time of the last convention reached a vigorous and happy culmination in Sept., 1900, resulting in a complete triumph for the union so far as the Berg factory itself was concerned, and indirectly by its moral effect and influence, aiding the organization throughout the country to an extent which even now is not fully appreciable and cannot be over estimated. Following closely upon the heels of this victory came the unionizing of the big adjoining Orange factory of E. B. Connett & Co. and a number of smaller shops in Newark and other

sections. Within six weeks union conditions were established in half a dozen Orange and Newark factories improving the conditions adding to the welfare and happiness and increasing in some instances 100 per cent. or more the earning capacity of from 1200 to 1500 of our members. 137

Success in the Berg fight, a struggle that will be historic in the annals of the labor movement was won after a battle of eleven months' duration. It was a combat between capital and obstinancy on one side, principle and determination on the other, against millions and mite aided by cupidity and treachery on the part of men from our own ranks we opposed the weight and power of a just cause, and justice triumphed, as it will eventually triumph universally even though at times obscured and seemingly long delayed. Following this long seige, this almost year long succession of encouragements and discouragements, alternating of hopes and fears, times when success seemed almost within reach one day and far off the next, but through all of which we persevered undaunted, the loyal support of our membership, the energy and indefatigable application and unyielding efforts of our agents, officers and committees, both local and national won the day, and on September 1st following our last meeting the wealth firm we had fought so long and hard asked for terms; there was an eight days' conference in New York City at the Astor House. Terms were discussed, details made the subject of long continued debate, and an agreement finally evolved and announced on September 8th, 1900, by which Berg & Co. long among the foremost and most implacable foes of union labor gave full recognition to the United Hatters made unqualified to surrender to the principles for which we had contended, and from being foemen, and foemen worthy of our steel, became loyal and equally worthy champions and supporters of the cause they had found possessed of such potency and strength when it was arrayed in antagonism. Every department of the great Berg factory became unionized. The new bill of prices and the installation of union rules resulted almost at once in an increase of 27½% in the earning powers of the hundreds of men employed, and with the resumption of work in the unionized factory the hats shipped therefrom to every part of the country bore to thousands in the little label beneath the sweat band of each a message of the victory that had perched upon our banners and of the new triumph added to 138 139 140

the list of successes accomplished in the forward stride of the trades union movement.

"An unfortunate and deplorable fire which destroyed this firm's factory a year ago threw a number of our members temporarily out of employment, but with the pluck and energy the firm showed even in its warfare against us the business was soon started up in Newark shops. In these union conditions have prevailed, and union conditions will prevail in the big new factory the firm is now building upon the site of the old one. Within three weeks after the end of the Berg strike and with only a show of opposition the Connett firm lowered its colors to the union and five factories in Newark. Those of I. C. Hedden, John Long, Boutillier & Carr, and Daly & Co. fell into line and accepted the laws and principles of our organization in the conduct of their establishments.

"At various times during the summer of 1900 your president received information from your agents on the road that there was a demand for a cheap grade of hats containing the union label. Such hats were being made in the non-union factory of Meyer Mercy in Newark. Your president was influential in bringing about a conference between Mr. Mercy and the officers of the local organization, as a result of which the Mercy factory was unionized. Shortly afterwards the Newark finishers because of some slight difficulty removed the label from the factory. The matter was threshed out before the Board of Directors and the label was replaced in the factory. Since then the firm has gone out of business. During the closing months of 1900, which will remain on record as a banner year for the United Hatters, there were added to the list of union factories besides those already named those of C. B. Rutan of West Orange, the Newark Hat Co., Goodman & Co. and Kridell's all of Newark; the Pioneer Hat Works at Wabash, Ind., and E. A. Mallory & Sons of Danbury.

"Counterfeiting of the label, against which we have had to be constantly on the alert was unusually in evidence at that time, and your agents in both the East and West were kept active rounding up, putting out of business and prosecuting a few of the principals as examples whom they found engaged in this dishonorable and contemptable business."

I pass now to near the bottom of page 14 under the reading of Roelofs' strike and commence to read from that point:

"In April, 1901, your president was called upon to as- 145
sume the leadership in the second great fight for principle and unionism our organization has waged to a successful conclusion since he has held his present position. About the middle of that month the locals in Districts Nos. 18 and 19 petitioned me to bring before the Board of Directors for consideration and action on their part, a strike then being prosecuted by the locals against the non-union firm of Henry H. Roelofs & Co. in Philadelphia. The directors hear statements from committees of the Roelofs shop crew and referred the matter to the general executive board, which after a thorough investigation of the trouble 146
and several ineffectual conferences with Mr. Roelofs placed your president in full charge of the situation with full authority to direct the struggle and fight the battle to a finish, the Board of Directors empowering the expenditure of such money from its funds as might be necessary to end the strike. Conditions in the Roelofs factory at the time the strike began were all that could well be imagined as averse and antagonistic to those for which unionism stands. Like former strikes engaged in by our organization the Roelofs strike was a campaign for the recognition of union principles and the installation of union conditions 147
in the big factory. Profiting from the experience of former fights a campaign was at once inaugurated against the Roelofs concern through agents on the road working upon the jobbers and dealers with whom the firm did business, while the operation of the factory and employment of men therein was left without interference. Our agents visited the northwestern states, also Ohio, Illinois, Iowa, Massachusetts, California and Texas. Literature and correspondence were used freely in the campaign and wherever Roelofs hats reached the market appeals were made to those with whom the firm did business to aid in our fight for 148
principle by demanding the union label in all hats they bought and sold. In nearly every section these appeals met with hearty and willing response. Trades unionism influence everywhere rallied to our aid and the outcome of the contest although prolonged to a duration of fourteen months was never in doubt. To enter upon a detailed narrative of the Roelofs fight would be to trespass upon the time of this convention, occupy the hours that may profitably be devoted to other use in consideration of problems to be faced in the future and serve no good purpose. Job-

149 bers and wholesalers in every part of the country, waited upon by our agents, or appraised of the situation by circulars and letters, met us fairly and as a rule gave fair hearings to our case, a majority following up such action by refusing to handle the products of the factory until such time as our demands, which were generally conceded to be fair and liberal were complied with. Of the excellent work done and results obtained by our agents who went out onto the road in this fight too much praise cannot be spoken. The reports of their work published in brief form in the journals from time to time should have been read by every
150 member of the organization and gave a good idea of their methods and labor. With the spirit of brotherhood and co-operation that has made the American Federation of Labor a mighty power in the industrial affairs of the country that organization gave to us in the Roelofs fight the same hearty and promptly responsive aid it had extended in former struggles, and the effectiveness of its action in enlisting in our cause the sympathies of the affiliated trades can only be conjectured.

Upon the direction of your General Executive Committee, your president attended the convention of the Fed-
151 eration at Scranton and with the assistance of our delegates had that body pass these resolutions: 'Whereas the United Hatters of North America are at the present time engaged in a strike of large proportions at the factory of Henry H. Roelofs & Co. of Philadelphia for the recognition of their union and for union conditions, and

Whereas it is of vital importance not only to the Hatters' organization, but also to organized labor in general, that the United Hatters of North America should be victorious in the fight they are making for the existence of their union, and

Whereas the United Hatters of North America
152 have never refused to give assistance, financially or otherwise to their brothers who have asked for it; therefore be it

Resolved that this convention endorses and approves of the course pursued by the United Hatters of North America in their present fight against the wealth concern that has declared it will never recognize any labor union.

Resolved that we call upon all internationals, national and local unions affiliated with the American Federation of Labor to give all the assistance possible to the United

Hatters of North America in the unequal fight which they are at present so manfully making against wrong and oppression, and we hereby pledge ourselves not to patronize any dealer or dealers who handle the products of non-union hatters and more particularly the product of the firm of Henry H. Roelofs & Co. of Philadelphia.' 153

"The adoption of these resolutions was followed up by the action of the convention in declaring a general boycott upon the product of the Roelofs factory. The effect of this action was almost immediately apparent. Throughout the country similar action was taken by local trades and councils, and it is not too much to say that the final settlement of the strike would have been much more difficult but the co-operation and assistance thus secured. 154

"When it became evident that our efforts were destined to be successful, and that surrender was but a question of time the Roelofs firm made a desperate effort to turn the tide of public sentiment that had set against it, and to stop the fight which promised the firm nothing but defeat, by going into court and suing your national officers for damages to the extent of $250,000. In this action brought in the United States Circuit Court for the Eastern District of Pennsylvania, in January, 1902, Henry H. Roelofs admitted that the conduct of the fight by the United Hatters had been so effective as to injure his business to the extent of the amount of damages asked for or more. The arguments by which his lawyers sought to have the court interfere to save the day for the firm are best told by quoting a portion of the bill of complaint in which was set forth as follows: 155

'That it has been the plaintiff's policy, and he has always considered it his right to maintain and manage his business without any interference from indivduals or assocations not connected therewith; that in consequence of said policy he has not allowed any person or organization to exercise any right to direct or control his said business, and has always conducted the same upon the broad and liberal American principles of not discriminating against any person seeking employment because of his being or not being connected with any political, social, religious or labor organization; that he has always refused to enter any agreement with any person or organization whereby the rights and privileges of either himself or any man in his employ would be jeopardized, surrendered to or controlled 156

157 by said person or organization and that he considers this policy which was and is well known to the defendants and their affiliations absolutely necessary to the successful conduct of his business.

'That the said defendants, John A. Moffitt of New Jersey, Martin Lawlor of Connecticut, John Phillips of New York, James P. Maher of Connecticut, John Cords of Connecticut, W. G. Hennelly of Massachusetts, George J. Phillips of New York, Charles J. Barrett of Connecticut, Martin Gorman of Connecticut, John Caskey of New Jersey, Daniel P. Kelley of Connecticut, John Horrigan of New
158 Jersey, and Lewis B. White of Connecticut,' whom the lawyers and Roelofs held up to contempt as conspirators, 'by and under their authority did conspire together and maliciously cause to be issued and circulated false, malicious, scandalous and libelous circulars under the heading of the United Hatters of Philadelphia, Pa., under the jurisdiction of the United Hatters of North America.

'That the plaintiff has been for many years selling the product of his manufacturing establishment and business to many customers in various parts of the United States and foreign countries amounting to many hundreds of
159 thousands of dollars, said sales being a source of profit to the plaintiff, and a loss of such trade by the reason of the circulation of the above mention false and libelous circulars and statements has been and will be the cause of great damage to the deponent and has already damaged his business in one specific case to the extent of a hundred thousand dollars mentioned by the defendant in the journal issued by them, dated February 1st, 1902. That said defendants are officials and members of an organization and as such officials and members have caused said circular to be sent to labor organizations situated in various parts of
160 these United States, and that in consequence thereof said labor organization has issued circulars which are of the same nature and character as the one hereto attached and made part of this statement, the only change being as to the names of the customers who are thus sort to be prevented from trading with the plaintiff.

That in addition to the issuing of said circulars containing said false statements and threats the defendants have in many instances individually acted as traveling agents for themselves and those associated with them in this conspiracy and have visited various customers dealing

with the plaintiff in St. Paul, Minneapolis, Milwaukee, Chi- 161
cago, Buffalo, Pittsburg and various other places in the states of Texas, Tennessee, California and Pennsylvania, and have threatened to injure the trade of said customers and prevent them from carrying on their respective business because of their purchase of goods manufactured by the plaintiff to the great injury and damage to the plaintiff of more than $250,000.

That said defendants under date of Danbury, Connecticut, February 1st, 1902, in Volume 4, No. 4, of the Journal of the United Hatters of North America published under and by their authority have reprinted, uttered and 162
circulated the circular first referred to in this statement, and in addition thereto admit therein that they have agents on the road fighting aggressively the business of the plaintiff and further state in said publication that there is a strike of large proportion going on in the factory of the plaintiff, when, as a matter of fact, there is not now and never was a strike in the factory of the plaintiffs, but that in the month of April, 1901, certain men then in the employ of the plaintiff were discharged for want of work and because plaintiff would not retain them in his employ when he had no work for them, and because he would not allow 163
his business to be conducted so far as regards the employment of persons to conduct the same by those not connected therewith, and the United Hatters of North America and other organizations, thereupon, his refusing to comply with their requests, a number of his employees voluntarily left his service after having been paid, entailing great loss and inconvenience to the plaintiff, but after considerable time and labor expended the plaintiff succeeded in supplying their places with other and competent workmen without any conditions as to their membership or non-membership in any labor organization, and that their work 164
had been properly and satisfactorily performed ever since.

That afterwards, to-wit, on the 7th day of May, 1901, and at times since hitherto the defendants individually and collectively, and as members and officials of said organization, and with others whose names are unknown to the plaintiff, association with them wantonly, wrongfully and maliciously entered into a conspiracy and confederation together to secure, compel and force the plaintiff against his will, his interests and his policy of carrying on business, to organize his workingmen into an organization that was to

165 be a part and parcel of the organization to which the defendants were attached, or as they the defendants, term it, to unionize his shop and to discharge any of the plaintiff's employees who would not become a union member, thereby coming under their jurisdiction. That said intent and purpose of the defendants being to control the employment of labor in the plaintiff's manufacturing establishment and because the plaintiff refused and does still refuse to accede to such a tyrannical and un-American request, the wrongful and malicious acts complained of as aforesaid have been and are still being perpetrated by the defendants and their
166 agents on their behalf, thereby preventing the plaintiff from carrying on his legitimate business in supplying the product of his manufacturing establishment to his customers and others desiring to purchase from him, thereby destroying his business and patronage and the good will and profits thereof, and tying-up and rendering useless and valueless his capital and plant unless and until the plaintiff should comply with the defendant's unjust and unlawful demands, and using as a means to accomplish that end threats against his customers as aforesaid and the other means herein complained of which have for their object
167 and purpose the prevention of the sale of the plaintiff's product to the general public through his customers; said threat and publications and other acts of the defendant complained of have greatly crippled, injured and impaired his business to the extent of over $250,000, for which he brings suit.'

"My principal reason for presenting so much of the text of this remarkable document to you is to show to what extent and how effective the means adopted by your officers and approved by your directors and executive board had proved in the conduct of our fight to compel the
168 adoption of union conditions in the Roelofs factory. That the strength of the organization was recognized and the ultimate triumph of our cause was foreseen by this manufacturer at that time is plainly apparent from the statements contained in the bill of complaint.

"Not daunted by this formidable move, your President and Executive Board continued their work along the same lines that they had theretofore prosecuted with such additional excellent results that at the end of fourteen months fighting, July 15th, 1902, Mr. Roelofs signed an agreement unionizing every department of his factory and accepting

a bill of prices making the earning power of the men em- 169
ployed therein largely in excess of what it had been prior to the inauguration of the fight. We were obliged because of the laws of Pennsylvania to 'whitewash' a number of the apprentices in the factory who had been indentured under the state law by granting cards to those of legal age on payment of $25 each and registering the others. A part of this agreement was the withdrawal by Mr. Roelofs of the damage suit against your officers and agents, while we agreed to grant to him the use of the union label in his hats and notify labor organizations throughout the country that he was entitled to the use of the label. On these terms Mr. 170
Roelofs agreed to unionize his factories under the conditions that all employees of the part of the first part (Roelofs) working at the various branches of the hatting trade, namely: pouncing, pressing, blocking, squaring, packing, luering, curling, top-ironing, planing, setting and any work done on any machine in the curling or finishing departments; also hardening, sizing, and second sizing, shaving, stiffening, clearing and pinning out all the hats by hand or machine, shall be members in good standing of the organization (The United Hatters of North America) represented by the party of the second part.'

"The only other strike of importance since the last 171
convention that is of more than passing importance has been now being waged against the non-union firm of D. E. Loewe & Co. of Danbury. This fight was inaugurated soon after the conclusion of the Roelofs fight for reasons almost identical. Loewe refused to treat with the organization, to even confer with your officers, and has been quoted as asserting that he would die before he would make terms with the union. It is unnecessary to say more about this fight at present than that it is progressing satisfactorily and there is every prospect of its being concluded as successfully as have the other fights of like nature we have 172
prosecuted in recent years. Factories unionized: some conception of the labor that has been expended and the results obtained from this work in recent years may be gained from lists of hat factories brought under the jurisdiction of our organization since your president assumed office. This list is as follows: Austin Drew & Co., Orange;" and a list of some sixty-eight which I have cited in our complaint. On page 23 of the same report about the middle I read this paragraph:

173 "At your last convention the plan adopted during the Berg strike which worked so successfully then of putting agents on the road to enlist the support of other organizations of dealers and the public and to popularize the label, was endorsed, and your officers were authorized to employ agents permanently and continuously at this work. With hardly an exception the men engaged for this important field of labor have done work and accomplished results deserving the highest commendation at your hands. Under the instruction of your president and Executive Board these agents have followed out a plan of campaign through-
174 out the country, the results of which have been of inestimable value to our cause."

Mr. Beach:

You ought to read what follows.

Mr. Davenport:

Well, brother, I am getting a little winded, and if you think it absolutely material you can read it.

Mr. Beach:

Now?

Mr. Davenport:

175 After this report was read it appears that Mr. Moffitt who had made this report was nominated for president; there not being other nominations, the secretary was ordered to cast a ballot for the person nominated, and delegate Orton, acting as judge of election, and delegates Brady and Ferry, acting as tellers, declared Mr. Moffitt elected as president. Martin Lawlor was nominated for vice-president. No other nominations were made. The secretary cast one ballot for the nominee, and Mr. Lawlor was declared elected. John Phillips was nominated for secretary. There not being any other nominees, the nom-
176 inations were closed. Treasurer Maher cast one ballot for the nominee, and the election of John Phillips as secretary was then confirmed by a rising vote of the convention. James P. Maher was nominated for treasurer. There were not any further nominations. The secretary cast one ballot for the nominee, and Mr. Maher was declared elected as treasurer. Motion made that the selection of an editor for the Journal be left to the general executive board. Motion lost by a vote of 19 in the affirmative to 23 in the negative. Delegates Byrne, Shalvoy, Connelley were nominated for editor. They all declined. Motion that the selection of

the editor be left to the board of directors and to the general executive board. Motion carried. 177

The election of the board of directors was next taken up. Motion made that a committee be appointed to apportion the directors from the several districts. The chair declared the motion out of order. His decision was appealed from. He was not sustained. The following were appointed as the committee: Delegates Brady, Lawlor, Sculley, Shalvoy, Phillips, Byrne.

A recess was then taken to allow the committee time to do their work. They reported as follows: Danbury, 2; Bethel, 1; Norwalk, 1; Newark, 2; Brooklyn, 1; Orange, 178
1; Philadelphia, 1; Boston, 1.

The report was adopted.

Peter Gallagher was nominated from the Danbury Makers.

Charles J. Barrett, from the Danbury Finishers.
John Cords, from the Bethel Finishers.
Robert Pearson, from the Norwalk Finishers.
Mark L. White, from the Newark Makers.
James Byrne, from the Newark Finishers.
William Clayton, from the Brooklyn Makers.
Michael Brennan, from the Orange Association. 179
Frank Keegan, from the Philadelphia Makers.
Charles Morris, from the Boston Finishers.

The above were then declared the unanimous choice of the convention as the board of directors for the ensuing term.

Mr. Mulholland:

If the court please, we desire at this time to address a matter to the discretion of the court. Counsel for plaintiff has read the statements of two conventions, the convention of 1900 and convention of 1903, made by John Moffitt. John 180
Moffitt is not a defendant in this cause, and these statements can be nothing more than the voluntary statements of a third party not under oath, and these statements come pretty close to the realm of hearsay evidence, if the court please, and do not tend to establish the facts therein stated.

Mr. Mulholland:

I desire at this time. I asked the court to instruct this jury that they cannot consider the remarks of John Moffitt as tending to establish the facts therein stated, and that they can only consider the statements of John Moffitt, if

181 at all, as relating to those parties who have actual knowledge of the statements made.

The Court:

Well, we will hold that question. It is the regular practice to charge the jury at the close of the evidence instead of at intervals, although that may be done where it is clear to the court just what the scope of the evidence is. Now this may be admissible on the ground of agency—what the agents of these defendants were doing, and whether it is or not will depend upon how the evidence shows it to be. Of course, the plaintiff cannot make out
182 his case by one witness, but when the case is all in, the court will take into consideration the motion made by defendants' counsel and try and see to it that the true applications of the law are made; but we won't pass upon it at this time.

Mr. Davenport:

My associate calls my attention to another paragraph of this report, which I omitted to read. I read from page 24: "Under a recent change of management in the Journal an effort has been made to add to its value as a means of keeping the membership in closer touch with the affairs
183 of the organization." I am reading from the report of the convention of 1903, held May 11th to 22nd, inclusive. "While the local officers and the membership generally has shown a good spirit in sending news of local matters to the editor, there is still room for improvement in this regard. There is no way in which the good of the organization can be better and more easily served and closer harmony established in the membership than by using the columns of the Journal which are always open to fair comment and discussion, for a liberal exchange of news and views relative to matters affecting the organization and the
184 trade generally. I hope that every local secretary will take this hint and send to the Journal something of news from his district each month, and that the other officers and members will not consider themselves exempted from participation in such work because the secretary has done his share."

Mr. Merritt:

I am going to read—

The Court:

Is there any further inquiry from this witness?

185

Mr. Merritt:

Yes, Your Honor. I am going to read from "Plaintiff's Exhibit 3" which is the 1900 convention proceedings of the United Hatters, relative to the re-election of officers: "Nominations for the office of vice-president being called for, John A. Moffitt was nominated. There were not any other nominations and the nominations were closed. The chair appointed Delegate Shalvoy, judge of election, and Delegates Kearn and Savage, tellers. There being but one nominee the secretary was directed to cast one ballot. The judge and tellers declared John A. Moffitt elected as president for the ensuing term and Messrs. Byrne and 186
Donnigan escorted him to his seat. Martin Lawlor was nominated for vice-president. There not being any other nominee, the nominations were closed and the secretary was directed to cast one ballot. Mr. Lawlor was declared elected as vice-president and Messrs. Brennan and Connelley escorted him to his seat. John Phillips was nominated for secretary. The nominations were closed and there being but one nominee the president was directed to cast one ballot. The judge and tellers declared John Phillips elected as secretary for the ensuing term. James P. Maher was nominated for treasurer. There not being any 187
other nominees the nominations were closed. The judge and tellers declared Mr. Maher elected as treasurer for the ensuing term and Messrs. Sculley and Martin Gorman escorted him to his seat."

Q. Now these exhibits from which Mr. Davenport has been reading are from convention reports which you refer to as being distributed among the members? A. They are.

Q. Now, Mr. Sculley, will you tell us how assessments are raised and collected in your organization or how the practice prevailed at the time— A. You mean Na- 188
tional?

Witness:

You mean in regard to National or Local?

Q. Both, explain it? A. In my local association?

Q. Your own association that you have been secretary of so many years? A. It is the practice to charge a monthly due to support the local organization and national dues are on assessments levied by the National Organization.

189 Q. These dues are collected by the shop steward every week? A. By the shop steward.

1 Q. The shop steward is the official representative of the organization in the shop for that purpose? A. To that extent, yes.

Q. He turns the moneys over to you as secretary? A. Over to the secretary, yes.

Q. Part of them were dues for local and part of them were dues for the national, as I understand? A. He collects them at different times, sometimes for the national and sometimes for the local.

190 Q. Doesn't he collect them both at the same time? A. No, not usually, one being a monthly due and the other

1 weekly 1 per cent., and the other a stated sum.

The Court:

The weekly is local? A. The weekly is the national; monthly is the stated sum collected at the end of three months to six months, as the case may be; sometimes it varies.

The Court:

This steward does the collecting for both? A. He collects them both, yes.

191 Q. And the national dues you send to the national secretary? A. That is true.

1 Q. You keep the local dues for your own local? A. You mean the secretary?

Q. I mean when you are secretary? A. Yes, sir.

Q. And, as I understand it, a man cannot remain a member of the organization unless he pays both dues? A. He cannot—unless exempted, of course.

Q. A man could not remain a member of the local without paying the national dues? A. Unless exempt from the payment of national dues.

192 Q. What constitutes exemption? A. Why, any good reason shown the National Executive Board.

1 The Court:

How is he exempted? A. Exempted from the payment of national dues by that board and exempted from the payment of the local dues by action on the part of the local association.

The Court:

It is the association that does it? A. Certainly. In the case of the local, the local and of the national, the national itself.

By Mr. Merritt: 193

Q. The General Executive Board of the national exempts from national dues? A. Yes.

Q. Well, that manner of exemption from payment of national dues is a very rare matter as to a man that is working, is it not? A. Think so; I know of none in my local; some incapacitated for some reason.

Q. Haven't there been several assessments levied to support these particular fights against Berg and Roelofs?

Mr. Mulholland:

That is objected to as immaterial.

The Court: 194

He may answer.

Mr. Mulholland:

Exception.

A. There has been.

Q. Has the object of the assessment been explained to the membership in the meeting?

Mr. Mulholland:

Same objection. The minutes made would be the best evidence.

The Court:

Well, it doesn't appear yet that there were any minutes on that. 195

A. Why notice would be sent each local. It don't appear as part of the local record in each case.

The Court:

Does the notice state what it is for? A. On that point I am not clear, but in some cases I know it to be true.

By Mr. Merritt:

Q. That is in some cases? A. Special assessments levied for special purposes.

Q. Would you have those notices? A. They would 196 be sent by the National Secretary to the Local Secretary.

Q. Were the notices retained by you and turned over to your successor in office? A. I doubt it. I doubt if they were ever retained at all. Probably made up the record in the minute book.

Q. Does your local at the meeting, or afterwards, explain to its membership the object of the assessment when it is communicated to the membership?

197 Mr. Mulholland:

Objected to for the reason that if the secretary of the local is going to bring his book it would be the best evidence.

Mr. Merritt:

If I can have the record I prefer that.

Witness:

They are on the minute book.

Q. As I understand some record of the notice to the members concerning the assessments will be found on your minute book? A. Whatever action was taken at the
198 meeting will be on the record of the minutes of that meeting. The form would be "Circular coming from the National Secretary to be read by the local secretary and action taken thereon." That, of course, is part of the record.

Q. There would be no other notification to the members? A. No other notification to the members.

Q. Well, is it true that an assessment was levied as recommended in the 1900 convention to support the agents on the road?

Mr. Mulholland:

199 I object, if Your Honor please, as calling for a conclusion.

The Court:

Well, if he knows he can answer.

Q. You were present at the convention of 1900? Do you recall whether that recommendation to levy a special assessment for agents on the road was actually passed and the assessment levied? A. I can't. The record will show. There was so many of those conventions that I have them in confusion some times. It is practically business of the same and nature and it is hard to separ-
200 ate it.

The Court:

Meaning in memory? A. Yes, in memory. Different conventions having to do with the same general subject matter and the discussion.

Q. Now how often did your local hold meetings? A. They were scheduled to hold meetings monthly unless meetings for some reason by the local officers.

Q. And at times held special meetings? A. At times held special meetings.

Q. What measures were taken to notify the members of this regular meeting? A. It was the practice— I presume you have reference to 1900 and 1903? 201

Q. Thereabouts, yes? A. The practice was to give notice.

Mr. Mulholland:

May we inquire whether this is directed toward witness' local or generally?

Mr. Merritt:

His local; the other men will testify as to their locals in due time.

A. The practice at that time was to send notice to the shop in which the men were employed. 202

Q. By the steward? A. By anyone going to the shop; the purpose being to get the notice into the factory where the men were employed, so as to be posted on the law.

Q. You posted notices in the shops? A. Why, they were sent there for that purpose.

Q. You have information whether or not it has been done from time to time? A. I do. I know it has been done from time to time; whether it was always done, I presume I would have heard from it if it had not. 203

Q. That is you think you would have heard complaints if there hadn't been proper notice given of the meeting? A. That is more especially special meetings; the regular meetings were not so important.

Q. In regard to the regular meetings was the same method used as for special meetings? A. Not always; they were scheduled regularly by the by-laws of the organization and it was not so important.

Q. Did you ever publish notice of meetings in the local papers? A. No, never at all.

Q. Were they ever published in the journal, do you know? A. Published in the Journal, do you mean? 204

Mr. Mulholland:

The Journal will be the best evidence.

Mr. Merritt:

Very well, we will find out.

Q. What attendance did you have at these meetings?

Mr. Mulholland:

May we have some particular time?

11 **205** Mr. Merritt:

I am trying to get a general average of this time in 1900 and 1903.

A. Have you reference to regular meetings, Mr. Merritt, or special meetings called for special purposes?

Q. Well, take the regular meetings? A. Regular meetings often times we would have difficulty in getting a quorum, which was twenty five, forty, forty-five, fifty-five—I am refreshed now for the reason that I remember having been asked about that. I found seventy-five, fifty-five and forty-nine, I think three meetings in the Spring
1 **206** of 1902 or '3 around there, that was all. That would obtain through the several years. The same membership practically; the same attendance at the meetings.

Q. Now your local elected its delegates to the United Hatters' Convention at these local meetings, did it not? A. It did, yes.

Q. That was done in each instance for each of these conventions? A. In each instance.

Q. Is your local connected with the Central Labor Union of Norwalk, or was it? A. It is.

Q. Contribute dues to it? A. It did.

207 Q. And the Central Labor Union is a Federation of the Local Union in Norwalk, is it not? A. Yes, federation of local unions of Norwalk.

Q. And, in turn, it is affiliated with the American Federation of Labor? A. On that point I am not certain.

Q. What relation has your local union to the State Federation? A. At that time it was an affiliated body with the State Federation.

Q. And the Central Labor Union was connected with the State Federation was it not? A. Yes.

208 Q. And your local contributed dues directly to the State Federation? A. At that time, yes.

Q. And the State Federation of Connecticut was connected with the American Federation of Labor? A. I have no means of knowing that.

Q. You don't know that that is true? A. I don't know that to be a fact. I might assume, of course, under certain circumstances.

Q. There are no State Federations that are not affiliated with the American Federation of Labor are there?

A. Not that I know of. I never attended a meeting of 209
the Connecticut Federation of Labor.

Q. Your local contributed dues to the State Federation of Connecticut? A. It did.

Q. And to the Central Labor Union of Norwalk? A. It did.

Q. And did it vote for delegates to the Convention of the American Federation of Labor from the State Federation? A. Our local didn't vote on that as a local organization.

Mr. Merritt:

That is an answer. 210

Q. Did they vote for nomination? A. They didn't. You mean to the American Federation of Labor?

Q. Yes? A. That is right.

Q. Do you know how these delegates to the State Federation are elected? A. Not to my own knowledge.

Q. Well, you are as familiar with as a man who is connected with that organization as to the methods employed? A. I was present as a guest and saw them take up the election of delegates. I know one year they did. I was present.

Q. What year was that? A. Three years ago, I 211
believe.

Q. Now, Mr. Sculley, did you distribute any circulars among your membership concerning this suit? A. No.

Q. Wasn't any effort made to communicate with your members who were defendants in this suit? A. At what time?

Q. At the time the suit was commenced or shortly thereafter? A. What was the nature of the circular?

Q. Well, wasn't there some circular relative to the attachments of savings accounts? A. Coming from 212
whom?

Q. From the local or the national?

Mr. Beach:

I object, if Your Honor please.

The Court:

He may answer.

Mr. Beach:

Exception, if Your Honor please.

The Court:

Yes.

213 Witness:

Well, I don't recall.

Q. You don't recall communicating with your membership in connection with this suit and communicating with them concerning the defense of this suit?

Mr. Mulholland:

That is objected to as leading and immaterial and relating to matters subsequent to the commencing of this action.

The Court:

You may answer.

214 Mr. Mulholland:

Exception.

A. I don't quite grasp the question, Mr. Merritt.

Q. Did you circularize the defendants in South Norwalk concerning the employment of counsel?

Mr. Mulholland:

Same objection, same reasons.

The Witness:

I don't recall anything down there.

Q. Do you recollect whether or not your organization took any action in connetcion with the employment
215 of counsel to defend the South Norwalk defendants.

Mr. Mulholland:

Same objection, same reasons.

The Court:

Same ruling.

Mr. Mulholland:

Exception.

Witness:

You mean immediately afterward, that is some time?

Q. A short time afterwards? A. I did. I know that
216 the National Organization employed counsel to defend. Is that what you mean?

Q. Yes. A. The national organization employed counsel to defend the defendants in this action.

Q. And how was that fact communicated to the Norwalk defendants? In writing or orally?

Mr. Mulholland:

Same objection.

The Court:

He may answer.

Mr. Mulholland:

Exception. **217**

A. I am not certain. I can't remember just how it was done, if done at all.

Q. You don't recall whether or not you have had any circulars in your possession relative to this matter?

Mr. Mulholland:

Objection, for the same reason.

A. I can't remember.

Mr. Mulholland:

Exception.

Q. Now, Mr. Sculley, you have heard the reading of **218** these reports of Mr. Moffitt and you stated that you read the Journal from time to time. I will ask you whether you do not feel that the officers of the United Hatters have acted within their authority in all these matters that they have done.

Mr. Mulholland:

Objected to.

The Court:

How is that admissible; how do you claim it to be admissible as to how he feels?

Mr. Merritt: **219**

He is an officer of the organization, and has been one for a great many years, and is familiar with the practices of the organization.

The Court:

Suppose that he don't feel right about it; that his feelings were all wrong.

Mr. Merritt:

I consider that the testimony of an officer of the organization or of any member of the organization as to what was the scope of authority of these officers would be important testimony under the decision of the Court **220** of Appeals.

The Court:

You haven't asked that; you asked how he felt. The objection is sustained.

Mr. Merritt:

Exception.

Q. Did the officers of the United Hatters act within their authority in these matters which have been read in your presence?

221 Mr. Mulholland:

Objected to as taking away from the jury the decision of the issue in this case.

The Court:

That objection is sustained.

Mr. Merritt:

Exception.

Q. Do you believe, Mr. Sculley, that the course of conduct of affairs of the United Hatters was such as to justify the officers of the United Hatters in believing that they were authorized in doing what they did.

222 Mr. Mulholland:

Same objection, calling for an opinion.

The Court:

Same ruling.

Mr. Merritt:

Exception.

Q. Can you point to any matters which have been read to you from the reports—

The Court:

I guess we'd better suspend and take a recess for one hour, (the hour then being 1:05 P. M.).

223 Recess.

Afternoon Session, August 27, 1912.

JOHN W. SCULLEY

on the stand.

Mr. Merritt:

I want to read a resolution from Exhibit 3 of the 1900 convention, on page 359, "The following was adopted:

"Resolved that the delegates and alternates to the convention of the United Hatters of North America be elected by referendum vote of the general membership:

224 nominations to be filed with the national secretary not later that October 1st of each year, in order that the elections may take place in the month of November. The place where the different meetings of the Local associations, held for this purpose, and the time of such meetings, to be the time and place for the taking of such vote." I will turn the witness over to you.

Mr. Beach:

We have no cross-examination. We expect to call the witness later.

225

WILLIAM P. BAILEY,

sworn by the Clerk.

EXAMINED

By Mr. Merritt:

By The Clerk:

Q. What is your full name? A. William P. Bailey.

Q. Mr. Bailey, you are one of the defendants? A. Yes, sir.

226

Q. You are secretary of Local No. 1 of the United Hatters? A. Local No. 2.

Q. That is the Local Finishers Union of Bethel Connecticut? A. It is.

Q. How long have you held your present position? A. About 24 years.

Q. Now in the collection of dues for your organization will you explain briefly just how it is done? A. We collect on a percentage basis, a certain percentage for the local association and a certain percentage for the national association. The national is fixed by the national association in convention, and the local portion is fixed by the local association in meeting.

227

Q. And they are both collected by the shop stewards and turned over to you? A Yes.

Q. Both collected at the same time? A. Yes.

Q. Weekly? A. Weekly.

Q. Is this the constitution of your local which was in existence in 1903 (showing)? A. Yes, it is.

Q. And attached to it and printed in connection with it are also the constitution and by-laws of the United Hatters of North America? A. Yes, sir.

228

Mr. Merritt:

We will offer this in evidence as Plaintiff's Exhibit 6. (Said document marked Plaintiff's Exhibit 6.)

Q. Is your local affiliated with the Central Labor Union of Danbury? A. It is at the present time.

Q. Was it in 1903? A. No.

Q. Was it in 1903 affiliated with the Connecticut State Federation? A. Yes.

Q. Do you take any part in connection with the election of delegates to the National Federation of Labor

229 from the State Federation of Labor? A. Through our delegates to the State Federation.

Q. And the delegates elect delegates to the American Federation? A. I understand so.

Q. And your local union elect delegates to the convention of the United Hatters of North America? A. Yes.

Q. And has elected or taken part in the election of delegates to each convention of the United Hatters? A. Yes.

Q. At what conventions have you been present of
230 the United Hatters? A. Every convention from 1888 to 1900 inclusive.

Q. You were not present in 1903? A. No.

Q. Or 1907? A. No.

Q. On what committees did you serve at the 1900 convention? A. An auditing committee of the president's financial report.

Q. And that is the only committee that you served on? A. I believe so. That is all I recollect.

Q. And this financial report is published in this printed report of the 1900 convention proceedings, is it not (showing)? A. No, that is not the financial report.
231 That is the treasurer's report.

Q. I think you are in error in that. Look at that a little closer. I think that is the one you have in mind? A. Yes, that is right, I am mistaken.

Q. And you audited this by having vouchers shown you in regard to these expenses? A. Yes.

Mr. Mulholland:

This is objected to. This is the 1900 convention again, —possibly our stipulation applies.

The Court:

We can take it subject to your exception.

232 Mr. Mulholland:

An exception.

Q. To whom were those vouchers turned over? A. To the auditing committee.

Q. Then what did you do with them when you were through with them as a committee? A. Turned them back to the convention.

Q. To the secretary? A. I expect so, I wouldn't be sure about that, Mr. Merritt. They went with the rest of of the papers of the convention.

Q. And you made a report, did you not, commending 233
the president for the expenses, etc.? A. We did.

Q. Did you vote for the election of John Moffitt after hearing John Moffitt's report at the 1900 convention? A. I did.

Q. You received copies of the journal of the United Hatters from time to time? A. Yes.

Q. You received them in considerable numbers for distribution? A. Yes, I received a number each month.

Q. Be as specific as you can in regard to it, as to the number you received and the manner in which you distributed them? A. Why, of course it would be hard to 234
recollect, but from 50 to 75 copies perhaps; took them to the factories and left them, some of them, on a bench in each factory, on some empty bench in each factory, so that those who wanted them might pick them up and read them.

Q. That is, you left them in a pile? A. Yes.

Q. On one of the empty benches? A. Yes.

Q. Alongside of where the men were working? A. Yes.

The Court:

You left them in a pile? 235

Witness:

Yes.

The Court:

On each bench?

The Witness:

In each shop, in each factory, proportioned by the number of those who were in each factory, never having enough to go around, and then took them into the factories or sent them in and they were laid down where the men could pick them up if they saw fit.

Q. Do you know whether or not they were all taken 236
away from the factories? A. I know they were not all taken away.

Q. The supply was never exhausted? A. No.

Q. They were always available for any men who wanted them? A. They were always kicking around the room.

Q. What was the membership of your organization in 1903? A. About 300.

237 Q. Had it remained approximately that number for a number of years past? A. Wouldn't vary over 25 or 30 from that for 5 or 6 years.

Q. Did you state that you distributed the convention proceedings in substantially the same way as you did the journals? A. No, I didn't understand you to ask me that.

Q. I will ask you now? A. I did.

Q. Did you receive them in about the same number? A. Just about the same proportion.

Q. You were delegate, were you not, to the convention of the American Federation of Labor in 1901? A. I

238 was.

Q. And on what committee did you serve? A. I don't recollect that I served on any committee, Mr. Merritt.

Q. You introduced a resolution relative to H. H. Roeloff & Company? A. I did.

Q. What other delegates were there from the United Hatters to that same convention? A. Frank Shalvoy.

Q. Was there any one present from the hatters representing the Connecticut State Federation? A. Mr. Reilley.

239 Q. He is not from the hatters? A. No, I beg your pardon, he is not from the hatters.

Q. Was anyone else from the hatters present at that convention that you know of? A. No. You mean from the hatters' organization?

Q. Yes. A. Mr. Moffitt.

Q. Mr. Moffitt was present at the convention? A. Yes.

Q. Did you prepare this resolution yourself? A. No, I did not.

240 Q. Where did you get it from? A. It would be hard to tell. The resolution came from the office.

Q. You received it through the mail? A. I can't tell you that. I know that I introduced a resolution, but it has passed my memory who gave it to me.

Q. I show you these proceedings of the American Federation of Labor for 1901 and ask you if that is the resolution (showing)? A. I should say it was, yes.

Mr. Merritt:

I will read it to the jury.

241

Mr. Mulholland:

Objected to for the reasons heretofore stated, and an exception.

Mr. Merritt:

"Resolution No. 45. By delegates W. P. Bailey and F. P. Shalvoy, United Hatters of North America:

"Whereas, the United Hatters of North America are, at the present time, engaged in a strike of large proportions at the factory of Henry H. Roeloff & Co., Philadelphia, Pa., for the recognition of their union and for union conditions; and

242

"Whereas, this strike has now lasted about four months, and in consequence of a large majority of the late employees of the Roeloff concern being unemployed, the expense entailed on the members who are employed has been enormous; and

"Whereas, it is of vital importance, not only to the Hatters' organization, but also to organized labor in general, that the United Hatters of North America should be victorious in the fight which they are making for the existence of their Union; and

243

"Whereas, the United Hatters of North America have never refused to give assistance financially or otherwise, to their brethren who have asked for it; therefore, be it

"Resolved, that this convention hereby endorses and approves the course pursued by the United Hatters of North America in their present fight against the wealthy concern that has declared that it will never recognize any labor union.

"Resolved, that we will call upon all International, National and Local Unions, affiliated with the American Federation of Labor, to give all the assistance possible to the United Hatters of North America in the unequal fight which they are at present so manfully making against wrong and oppression, and we hereby pledge ourselves not to patronize any dealer or dealers who handle the product of non-union hatters, and more particularly the product of the firm of H. H. Roeloff & Co. of Philadelphia, Pa."

244

Q. You have read the Journal yourself from time to time, Mr. Bailey? A. Yes.

245 Q. You reported to the Journal, Mr. Bailey, did you not, after you attended the convention? A. I believe I wrote a letter to the Journal.

Q. In this copy of the Journal for February 1902 on page 21 I find what purports to be your report. That is the paper, is it not (showing)? A. Yes.

Mr. Merritt:

I will read this to the jury.

Mr. Mulholland:

It is objected to for the reasons that have been heretofore stated.

246 Mr. Merritt:

I take it there is no question about the identification?

Mr. Beach:

No.

Mr. Merritt:

"Delegate Bailey's report. Editor Journal United Hatters of North America:

"Dear Sir. Thinking perhaps it would be of some interest to the members of our organization to hear from the delegates to the convention of the A. F. of L. which was held in the city of Scranton, Pa., during the month of 247 December 1901, I will try to give them an idea of the convention as it impressed itself on the writer."

Mr. Merritt:

I don't think I need to read any more, except this statement, "The convention also passed a resolution endorsing the boycott of the United Hatters against the unfair firm of H. H. Roeloff & Co. of Philadelphia." I don't see any occasion to read the rest of it.

Q. You wrote a letter to the Journal for April 1902, which is published on page 2 of that Journal, did you not (showing)? A. Yes.

248 Mr. Merritt:

I am only going to read an extract from that.

"In this district there is favorable comment on the February and March issues of the Journal. Letters from our agents on the road are interesting and enlightening. The average journeyman likes to know what he is getting for his money and what is going on on the inside, and these reports show what is being done from month to month in the interest of the label." The report should be read later.

Q. Were you present at the 1911 convention? A. No. 249

Q. I will read to you the Bethel defendants, and I want you to identify those that were members of your organization down to the time of the suit in 1903.

Mr. Mulholland:

Possibly an admission on the record might serve the same purpose.

Mr. Merritt:

What is the admission?

Mr. Mulholland:

We have had compiled, if the court please, a list of all 250
the defendants, together with the localities where they belong to some division, either of the makers or finishers of the Hatters' Union; that is, this list gives the location and the time that they became affiliated with some one of these organizations. Of course the court understands, I think, that the United Hatters of North America was not organized until 1896, but answering a request from the opposition we have placed opposite their names the date when they became affiliated with this local of finishers or makers in that particular locality. Now if that will serve any purpose, we would be very glad to submit it that it might be 251
attached to the record in this case. I will say that there may be a few exceptions that will be treated of individually when they are broached. For instance, there may be some members who dropped out for a period of time after that, but I think that can all be taken care of when the individual defendants are reached.

Mr. Merritt:

Do you want to admit subject to correction that they paid dues, and take the burden of that yourself.

Mr. Beach:

We just as leave, yes.

252

Mr. Merritt:

That would save going over the whole list with each one of these defendants.

Mr. Mulholland:

That is what I referred to when I said an exception would be taken with indivdual members. We admit that these men have been members in good standing ever since the date opposite their names of one or the other locals in the town stated.

Mr. Merritt:

And paid dues during that period?

Mr. Mulholland:

Yes.

Mr. Davenport:

To whom?

Mr. Merritt:

The national and local dues when the national was in existence.

Mr. Beach:

To their local, Mr. Davenport, from the date opposite their names and to the United Hatters of North America since 1896; subject to correction.

Mr. Mulholland:

Here is the list, which should be copied by the reporter into the record.

"DEFENDANTS IN THE LOEWE CASE

Bethel

	Admitted to Membership.
William P. Bailey	Feb. 20th 1881
Charles Bailey	Jan. 26th 1854
E. Romaine Barnum	(Dead)
Starr Bassett	1856 (Dead)
Frederick Benedict	June 1879
John Cords	1879
Virgil Dibble	1867
T. Archibald Evans	Nov. 1st 1879
Charles Frost	Feb. 19th 1877
Howard S. Gilbert	Jan. 7th 1881
George H. Gilbert	Nov. 2nd 1878
Charles Green	1867
John Halpin	Oct. 8th 1884
Edward Johnson	1870 (Insane)
Rueben Johnson	1870
Henry C. Judd	Oct. 21st 1854
John L. Kane	1878
Martin Lawlor	1886
Charles Lathrop	1881
George W. Morehouse	
Byron Morgan	1870
Barney Murphy	1868

Owen Murray	1857	**257**
William Ochs	1882	
William Ohler	1870	
Levi Short	July 11th, 1869	
Orrin B. Smith	1870	
William Stone	1862	
Myron Trowbridge	1882	
Patrick Troy	1881	
	Danbury	
Theophilus Abieniste	1868	
Andrew Aitken	1886	
Nicholas W. Allen	Feb. 3rd 1882	**258**
Thomas H. Allen	Feb. 3rd 1882	
Daniel H. Barnes	Aug. 20th 1877	
Nicholas W. Barzin	1882	
Clemens Beschele	Jan. 1886	
Frederick Blackburn	1871	
John Blake	May 1880	
Simon Blake	1888	
Herman H. Bohman	Oct. 25th 1891	
Nelson H. Booth	1863	
James H. Boughey	Jan. 1886	
Thomas Boyd	May 1880	**259**
John Bradshaw	(Dead)	
Peter J. Brennan	1880	
Alphonse Bresson	March 9th 1881	
Theodore Bright	1884	
Byron S. Brooks	1886	
Andrew G. Brown	Feb. 1882	
Chauncey H. Butler	Apr. 1st, 1885	
James P. Callahan	1878	
John J. Callahan	1882	
Achille Canale	1888	
Thomas J. Cassidy	Jan. 1st 1886	**260**
William Clancy	1862	
Elmer R. Clark	February 10th 1892	
John H. Collins	January 1886	
Lewy W. Comes	Aug. 26th 1882	
Patrick Connolley	Jan. 4th 1886	
Michael Corbett	Jan. 1886	
James D. Costello	May 1880	
John H. Craft	Jan. 1st 1886	
Byron W. Crane	Jan. 1st 1884	

261	James Crotty	1880
	John Crotty	1880
	Michael Crowe	(Dead)
	John J. Culhane	Feb. 3rd 1882 (Insane)
	Patrick Culligan	(Dead)
	Peter T. Currie	July 1st 1900
	William Deakin	Feb. 17th, 1891
	George F. Denton	Feb. 3rd 1882
	James Dillon	1880
	William S. Dutcher	Dec. 3rd 1902
	John Dyer	May 1880
262	John Ellegett	1871
	Patrick Ellegett	1870
	John G. Ely	(Dead)
	Carl Erdman	Jan. 1886
	Timothy H. Farrell	Jan. 1886
	Patrick J. Feeley	Jan. 1886
	Patrick J. Fisher	1872
	Emil Flosky	Jan. 1st 1886
	Thomas Foley	April 1879
	Peter Gallagher	June 1887
	Christian Gottlieb Garni	1887
263	William E. Gartner	Feb. 28th 1891
	Martin Gorman	1882
	Michael C. Griffin	1896
	Wright Hampson	1889
	David J. Hardy	July 1886
	Alexander Harkness	Feb. 3rd 1882
	John Harkness	Jan. 1st 1886
	Patrick Hart	Jan. 1886
	John Hassett	1880
	Stephen Havren	Jan. 1st 1886
	Michael Hennessy	Jan. 1886
264	George M. Herrick	Jan. 2nd 1884
	Charles A. Hodge	Feb. 14th 1887
	Adolph Holdeichel	1873
	Nathan C. Hoy	Feb. 3rd 1882
	William Humphries	1856
	Patrick F. Hunt	Jan. 1st 1886
	Charles W. Hurd	Feb. 3rd 1882
	Michael Hurd	Sept. 6th 1876
	Patrick E. Jeffrey	
	Daniel Kearns	Oct. 1st 1885

Martin Keating	Feb. 4th 1882	**265**
Thomas Kenhan	1889	
Daniel P. Kelly	1897	
Michael F. Kenney	Jan. 1st 1886	
John Keough	Jan. 1886	
Charles J. King	Jan. 1st 1886	
Frank Kornhass	1887	
Frank E. Krebs	Jan. 1st 1886	
Martin Lauf	Dec. 31st 1888	
Edward D. Lees	1878	
John Leonard	March 1886	
Thomas Leonard	Jan. 1886	**266**
Michael F. Lynch	1878	
John B. Morris	Jan. 1st 1877	
Jeremiah McCarthy		
Patrick J. McCarthy	Jan. 1st 1886	
Patrick T. McCarthy	June 1886	
Martin McCue	1872	
Thomas E. McGauley	Jan. 1st 1886	
Martin McGettrick	1881	
James F. McGlone	1879	
John McGlone	1881	
Peter McGlone	1878	**267**
Patrick McGrath	Jan. 1886	
Charles F. McHan	1867	
Thomas McHugh	1882	
Daniel McInery	1869	
Frank Meath	Nov. 25th 1886	
Henry Messer	Dec. 4th 1891	
Henry C. Michael	Feb. 3rd 1892	
George J. Miller	Jan. 1st 1886	
Gustav Mougin		
Eugene L. Mulkin	Jan. 1886	
Daniel Murphy	Jan. 1886	**268**
Timothy Murray	1869	
John B. Nowlan		
William V. Nowlan	July 19th 1869	
George T. Oakley	Dec. 1869	
Peter O'Boy	1880	
Louis E. Orton	Feb. 3rd 1882	
Daniel J. Osborne	1886 (Released)	
Alvan S. Pearce	Jan. 1st 1886	
George H. Phillipa	Apr. 15th 1881	

2(	269	Peter Picken	Jan. 1st 1886
		Arthur L. Pickett	Feb. 12th 1877
		John Pribula	Jan. 1886
		Jacob Prinze	Jan. 1886
		Christian Rheinhold	Jan. 1886
		Frank Rhode	Jan. 1st 1886
		Frank E. Seaman	Jan. 1st 1886
		Hugh C. Shalvoy	Feb. 3rd 1882
		Charles Shaffer	Feb. 3rd 1882
		Frederick L. Stahl	Feb. 3rd 1882
		George Stuckey	1880
2	270	Michael E. Sullivan	Oct. 1885
		William S. Sullivan	Sept. 15th 1890
		Joseph Tosi	Jan. 1st 1886
		Thomas E. Waters	1880
		Samuel S. Wilson	Jan. 1st 1886
		Frank K. Wildman	Aug. 18th 1881
		Norwalk	
		Fanton W. Beers	1885
		Albert Berg	
		Wm. A. Brennan	1876
		Stephen Carlin	1888
	271	Edward Cunningham	1864
		George A. Davis	1870
		Charles Flynn	1887
		Addison Hathaway	1878
		Peter F. Kearney	
		Patrick Keating	1877
		James Kinnane	1857
		Thomas Layhe	1880
		Charles Moore	
		S. Wallace Osborne	
		John E. Paul	1891
	272	Robert Pearson	1877
		John Redway	1891
		Owen Reilley	1880
		Daniel Riordan	1889
		John E. Rooney	
		Thomas F. Saunders	1888
		John W. Sculley	1884
		Max Singerwald	1887
		Charles Smith	
		John Spendlove	1874

**Ernest Talmadge	Jan. 29th 1903	273
Frederick Taylor	1886	
Peter Ward		
William J. Weishoit	1889	
James Whitney	1867	

**This is not the man who was served, or whose property was attached. It was his uncle who was attached, is not a member of the Hatters' Union or never was."

Q. You testified, didn't you, that you voted for the re-election of Mr. Moffitt at the 1900 convention? A. I did vote for him.

Q. And you voted for the election of all the officers 274
that were there elected? A. I did.

Q. Have you got the minute book there? A. I have.

Q. If you will turn to the minutes of July 14, 1899. Do you find there a reference to the Berg strike? A. 1899?

Q. Turn to January 10th 1900. First I will ask you this. How often did your local hold meetings in 1903? A. Regular meetings quarterly; January, April, July, and October.

Q. How did you give notice of those meetings? A. 275
Written or printed notice posted in the factory, each factory.

Q. You didn't put any notice in any newspaper? A. No.

Q. What measures did you pursue to give notice of special meetings? A. The same course pursued.

Q. This book you have shows the minutes of those meetings? A. Yes.

Q. Have you any one telling who was present at those meetings? A. No.

Q. Can you give me the names of some of the peo- 276
ple who were present at the meetings?

Mr. Mulholland:

What meetings?

Q. Turning first to the meeting of January 10th 1900?

Mr. Mulholland:

This is objected to, if the court please, as being more than two years prior to the conspiracy alleged, and can have no possible bearing upon the issues of this case.

277 Q. Can you tell us who was present besides your-
26 self?
Mr. Mulholland:
It is objected to.
The Court:
He may answer.
Mr. Mulholland:
An exception.
A. President Morehouse and William P. Bailey and Mr. Porter, applying for a card.
Q. You have no way of telling me how many mem-
278 bers were present at that meeting? A. No.
2 Mr. Merritt:
I want to read an extract from these minutes.
Mr. Mulholland:
What meeting is that?
Mr. Merritt:
January 10th 1900.
Mr. Mulholland:
It is objected to.
The Court:
You may read it.
279 Mr. Mulholland:
An exception.
The Court:
I understand that this witness made the record.
Mr. Merritt:
I don't think it is objected to for lack of identification.
The Witness:
Yes, I made it.
The Court:
You may read it.
280 Mr. Mulholland:
An exception.
Mr. Merritt:
"Regular meeting called to order by President Morehouse. Call read and approved. Roll call.
Q. The call read and approved is the call which was posted up in the factories? A. Duplicate of the copies. yes.
Mr. Merritt:
"Communication from Orange read stating that

things looked encouraging as regards to strike in Berg shop; that he wasn't shipping half of the orders that he was receiving, according to our books, and that the committee in charge are about to send four men on the road to chase down his goods, and asking the continuance of the two per cent until the fight was finished, accepted and ordered on file." **281**

Q. There was a two percent assessment at that time on account of this?

Mr. Mulholland:

Objected to.

The Court: **282**

He may answer.

Mr. Mulholland:

An exception.

Q. (Question read)? A. Yes.

Q. Turn to the minutes of February 8th 1900.

Mr. Merritt:

Gentlemen, I need not take any time to identify these minutes, need I?

Mr. Beach:

No.

Q. Is there any one named there as present besides yourself, Mr. Bailey? A. Mr. Morehouse. **283**

Q. There is no way of telling who was present at that meeting? A. No. Daniel Brady is mentioned there.

Q. What position did Daniel Brady hold at that time? A. I don't know. He came there representing the organization from Orange.

Mr. Merritt:

I will read the minutes of February 8th 1900.

Mr. Mulholland:

That is objected to as purely hearsay. **284**

The Court:

Is that your writing?

The Witness:

Yes, sir.

The Court:

Is it correct?

The Witness:

Taken in longhand. Correct as I heard it. It is not a shorthand copy.

285 The Court:
You may read it.
Mr. Mulholland:
An exception.
Mr. Merritt:
"Special meeting in the town hall called to order by President Morehouse; stated that the meeting had been called to listen to a statement by Mr. Daniel Brady regarding the troubles in Orange with Berg & Co. Mr. Brady was introduced and gave a lengthy and very interesting statement from the start of the trouble up to the
286 present time. He said that the shop was an open shop with fair jours in it." Jours meaning journeymen hatters. "Orange observed the Saturday half holiday. It was a State law. Fair men and fair manufacturers complained that the trade wasn't using them right in allowing fair men in foul shops, privileges they couldn't allow them in fair shops. The men were accordingly called out on the next Saturday, were discharged, and this started the trouble. Out of the 294 men in the shop, all but 42 left. The National Association then thought it a good turn to try and make Berg & Co. fair, so appointed a committee
287 to manage the affair. Orange society paying her two per cent. to the committee the same as the outside districts; gave cards to all who came under it; found employment for them as fast as possible; about 100 on the pay roll now. Single men receiving $4. and the married men $7. per week. Only seven men had gone foul. Now has about 68 finishers and 40 boys from 16 to 17 years old, about makers. Buckeyes were sizing hats for Berg; called the men out of the Buckeyes. Since then Berg had trouble in getting his hats sized. Had 30,000 bodies on hand when the trouble started. Six men on the road creating op-
288 position to Berg's hats, advertising the label with good effect; that where Berg's output was 2200 a week it has been reduced to 700 dozen. Saturday, February 3, Berg offered finishers, but was refused; Monday decided to resume and call them back. Brady said in his opinion Brady was beaten, would soon give in. He also appealed to all present to buy nothing but union goods. He was given a rising vote for this."

Q. Now the minutes of April 21, Mr. Bailey? A. The same year?

289 Q. The same year. Is there a reference to Berg there? A. Yes.

Mr. Merritt:

I will read the minutes of April 21st.

Mr. Mulholland:

Same objection, if the court please, for the reasons already stated, and save an exception.

Mr. Merritt:

"Regular meeting in the town hall called to order by the president. Roll call and minutes approved." "Mr. Martin Lawlor was present and made a statement in re-
290 gard to Mr. Moore's recent visit to this district. He said most of the statements of Mr. Moore were misstatements; that he either didn't tell things as they were, or didn't explain them. He justified the action of the Board in taking in the Hebrews of Orange and any other action in the Berg strike. Spoke of his recent trip through the west in the interest of the label, saying that in his opinion much good came from the agents on the road. He asked the meeting to reconsider their action on the Moore business, and not to express an opinion from hearing only one side, saying it could later be settled at the convention. Mo-
291 tion to reconsider lost. W. P. Bailey secretary."

Q. Now the minutes of October 10, 1900. There is a reference there, I believe, to the Berg matter? A. Yes.

Mr. Merritt:

"In the case of Berg's—"

Mr. Mulholland:

(Interrupting) This is objected to for the reasons heretofore stated, and an exception.

Mr. Merritt:

"In the case of Berg 130 cards were finally granted out of 500 men, and an income of $2700. Berg didn't want
292 to have cards granted, but the Board wouldn't give them up." That is all of that.

Q. Is there a reference to the Loewe trouble in the minutes of October 31 1902? A. Yes.

Q. What is that reference?

Mr. Mulholland:

This is objected to for the same reasons heretofore stated, also that it is hearsay; and an exception.

Q. This is from the minutes of October 31 1902? A. Not of a meeting was it?

293 Q. A meeting of the vigilance committee in the town hall, Vice-President Gilbert being in the chair. What is the vigilance committee? A. The vigilance committee is a committee composed of eight members of the association selected by the president to handle such matters as placing apprentices and matters which came up between meetings. This was not a meeting of the organization, but a meeting of the vigilance committee. Their actions have to be approved afterwards.

Q. Who was Vice-President Gilbert? A. George Henry Gilbert.

294 Q. One of the defendants? A. Yes.

Q. He was personally at this meeting? A. Yes, the record shows it.

Mr. Merritt:

"There was an apprentice from Short's shop who had been placed there by the Board to assist Danbury in their trouble in Loewe's shop, who now had a chance to get work in Danbury, and wished to do so. The matter was placed in the hands of the executive Board with power."

295 Q. Did you send a circular to the Bethel defendants relative to the employment of counsel in this case? A. No.

Q. Or any circular to them relative to the attachments? A. No.

Q. Do you know how the matter was taken up with the individual defendants in Bethel? A. No. I know there was a letter sent from Danbury.

Q. You took no part in it? A. I took no part in it.

CROSS EXAMINATION

By Mr. Beach:

296 Q. Mr. Bailey, is there any other reference in the books of your local to the plaintiff in this action except this reference to apprentices from Short's, down to the beginning of this suit? A. None at all, no, sir.

RE-DIRECT EXAMINATION

By Mr. Merritt:

Q. You have looked through them, have you? A. Yes, I have.

297

CHARLES O. LATHROP,

Sworn by the Clerk.

DIRECT EXAMINATION

By Mr. Merritt:

By the Clerk:

Q. State your full name? A. Charles O. Lathrop, L-a-t-h-r-o-p.

Q. Mr. Lathrop, you are secretary of Local No. 1 of the United Hatters of North America? A. Yes.

298

Q. And that is the Local Makers' Union in Bethel? A. Yes.

Q. How long have you been secretary? A. Since July 1903.

Q. Or 1893? A. 1903.

Q. What office did you hold prior to that time? A. I was president of the association for a matter of 4 years, I think, something like that; immediately prior to being elected secretary.

Q. Is this the constitution and by-laws of your Local that were in existence at the time of the commencement of this suit (showing)? A. What was the date of the bringing of this suit, Mr. Merritt?

299

Q. In September 1903? A. Yes, sir, these are the by-laws that were in existence at that time.

Mr. Merritt:

I offer these in evidence as an exhibit. (Said document marked Plaintiff's Exhibit 7.)

Mr. Beach:

Accepted subject to correction, if any.

The Witness:

I may want to correct that answer. I think it was in 1903 that the by-laws were revised, and I am not sure of the month.

300

Mr. Merritt:

We will accept Mr. Beach's statement, that they will be accepted subject to correction that they are not the right by-laws. I assume that they have been substantially the same for a number of years?

The Witness:

Substantially the same, yes.

301 Q. You are acquainted with the Journal of the United Hatters? A. I have seen it and read it.

Q. Also the printed convention proceedings of the various conventions? A. Yes, sir.

Q. You have read them from time to time? A. I have read some of them.

Q. Have you read the convention proceedings? A. I have read them, I couldn't say that I have read all of them, but I have read convention proceedings, different conventions, parts of them, perhaps not all.

Q. When did you become secretary in 1903? A.
302 July.

Q. Did you receive any copies of the Journals for distribution? A. I did.

Q. How did you distribute them? A. I used to take them around to the various factories and leave a bundle of them generally in the weigh-out room where the men got their work weighed out to them, threw a bundle on the bench and left them there.

Q. Did you receive any convention proceedings for distribution? A. I did.

Q. Did you follow the same course with them? A.
303 The same procedure, yes.

Q. Did you receive both in about the same numbers? A. I should say approximately yes, I am not positive. We have a membership which approximated 250, perhaps ran from that to 300, and I would get from 60 to 75 copies, and I would split them up in different proportions according to the size of the shop and leave them on the benches there.

Mr. Beach:

How many shops?

304 The Witness:

From 8 to 10 shops, leave them where the men could have access to them if they wanted them.

Q. Was the supply exhausted? A. No, you could see Journals lying around where I left them months afterwards.

Q. So they were available to any one that wanted them? A. They were there if they wanted them, yes.

Q. Was the same true in regard to the convention proceedings? A. The same is true.

Q. Is the method of the collection of dues in your organization the same as that testified to by Mr. Bailey? A. I don't know that I listened to all that Mr. Bailey testified, but they are collected the same. 305

Q. The steward collects them? A. They are collected by the steward.

Mr. Beach:

Fix the date.

Q. I am referring to the year 1903 when you first came into office. Explain just how the dues were collected? A. The dues were collected through the stewards in the various factories. The Local dues and the National dues in the association were collected at the same time. I understood Mr. Bailey to testify that their Local dues were a monthly stipend, so much a month, but our Local dues were collected on a percentage basis, and the National dues. 306

Q. It was Mr. Sculley who testified? A. Yes, I think it was Mr. Sculley.

Q. You turned the National dues over to the National secretary? A. I did.

Q. Who was Mr. Lawlor? A. Mr. Lawlor, yes.

Mr. Davenport: 307

Mr. Phillips at that time.

The Witness:

Mr. Phillips, yes.

Q. Did your Local send delegates to the convention of the United Hatters of North America?

Mr. Mulholland:

When?

Q. Did it in 1900 and 1903 send delegates to the convention of the United Hatters? A. If there was a convention held in those years we did.

Q. And they were elected by your Local at its meetings? A. They were. 308

Q. How were those meetings called? A. The secretary,—when I was secretary myself I went around to the different shops and read a notice of the meetings to be held on a certain date. That applied to the regular or special meetings. I did that to all personally, went around and had the shop called together and read to the jours the notice, or sent a notification to the steward which he read to the journeymen in the shop.

309 Q. You also vote for nominees to the American Federation of Labor convention, do you not? A. Yes.

Q. How is that done, how are the delegates to the American Federation of Labor elected in 1903,—how were they? A. To the best of my recollection there was a list of the nominees sent from the National office to the Locals, and they voted for the delegates to the convention as shown, and the total vote was sent in to our National office.

Q. The nominees were chosen by referendum vote, were they not? A. They were; I am not sure at that
310 time. They are now but I don't know that they were then.

Q. Was your organization affiliated with the Central Local Union of Danbury? A. At that time?

Q. In 1903? A. I think not, no, sir.

Q. Was it affiliated with the State Federation in 1903? A. Yes.

Q. Pay dues to the State Federation? A. Yes.

Q. Were you a delegate to any convention of the United Hatters? A. At any time?

Q. Yes? A. Yes.

311 Q. When? A. 1911 convention.

Q. Were you at any time prior to 1911? A. No.

Q. Have you your minute books here? A. They are here some where. I expressed them, but I don't know just where they are.

Q. Did the delegates elected by your Local to the United Hatters' convention report back to your Local Union concerning the doings of the convention? A. They did.

Q. Were you present at any of the meetings where they reported back? A. I was.

312 Cross examination waived.

313

JOHN W. SMITH

sworn by the clerk.

DIRECT EXAMINATION

By Mr. Merritt:
By the Clerk:

Q. What is your full name? A. John W. Smith.

Q. You are a defendant, Mr. Smith? A. No, sir. 314

Q. With what Local Union are you connected? A. No. 15 of Norwalk.

Q. That is the Local Makers' Union of Norwalk? A. Yes.

Q. Are you secretary? A. I am, sir.

Q. How long have you been secretary? A. Since December 2, 1908.

Q. Can you tell me whether or not the Journals of the United Hatters of North America were distributed among the members in 1903 and prior thereto? A. They were. 315

Q. What was the method of distribution? A. The method of distribution at that time was the secretary would bring a number of Journals to the factory, there wasn't enough to go around, there was never enough for one for each man, but a certain number for each factory, and if a man wanted to take them they were there for them to take. There was a good many that wasn't taken. Some members never looked at them.

Q. There were always enough for any one to take if they wanted them? A. Yes, as far as they would go. If each one took one they wouldn't go around, some would 316 have to get left.

Q. Put it the other way; the supply was never exhausted? A. No, sir.

Q. Was the same method pursued in connection with the convention proceedings of the United Hatters during that period? A. About the same method. There was very many less numbers of the convention proceedings, there wasn't so many came as there was Journals. There was about one to every three men.

317 Q. Can you tell me approximately how many members there were in Local No. 15 in 1903? A. It would run from about 220 to 240.

Q. Does that number apply to a number of years prior to 1903? A. For about 4 or 5 years prior to that that would be about the average of Local 15, the average number of members.

Q. Will you take your minute book. Have you it with you? A. Yes.

Q. Who was your predecessor in office? A. William A. Brennan.

318 Q. He is a defendant, is he not? A. He was secretary previous to me.

Q. Do you know how long he held the office of secretary? A. Since August 1901 to December 2, 1908.

Q. This minute book that you are about to examine is the minute book that was turned over to you by Mr. Brennan when you became secretary? A. It is.

Q. I will ask you to turn to the minutes of May 21, 1900 and see if you find a reference to Berg & Co.? A. I only find the minutes of May 2, 1900.

Q. There is another minute in May? A. Not that

319 I see there. It goes on to June.

Q. It may be a mistake. (Examines book). You wont object to my examining this myself? A. No, not at all.

Mr. Merritt:

I would like to read from the minutes of July 11th 1900.

Mr. Mulholland:

We object to it for the reasons heretofore stated and because this is purely hearsay, a record made by some one not even in court.

320 Q. Mr. Smith, these are the minutes that were turned over to you when you came into office? A. Yes.

Q. I see these minutes of July 1911 are signed by M. J. Golden? A. He was secretary at that time, he was predecessor of Mr. Brennan.

Q. Were you present at that meeting, do you know? A. I couldn't exactly say.

The Court:

This is a record made by a former secretary?

Mr. Merritt: 321
Yes, your Honor.
The Court:
And is a statement of what was said by some one in the meeting?
Mr. Merritt:
A communication from John Moffitt.
Mr. Mulholland:
And the nature of the communication.
Q. Is Mr. Golden still alive? A. Yes.
Q. He is in South Norwalk? A. Yes.
Mr. Merritt: 322
All right, I will not press it.
The Court:
Was this witness present at that time?
Mr. Merritt:
He doesn't know.
The Court:
He doesn't remember?
Mr. Merritt:
No. We can have the man who made the minutes up here.
Q. When did you say Mr. Brennan came into office? 323
A. I think it was in August 1901.
Mr. Merritt:
I will ask that this book be marked for identification.
(Said book marked Plaintiff's Exhibit 8 for identification.)
Q. Have you got a copy of the constitution and by-laws of this local? A. Yes. They were revised June 5, 1901 (hands to Mr. Merritt).
Mr. Merritt:
I offer it in evidence. (Said document marked Plaintiff's Exhibit 9.) 324
Mr. Mulholland:
If that is to be received in evidence I would like to have it received under the same circumstances, subject to correction if they were not in effect in 1902 and 1903.
Q. I understand this is the constitution of your Local that was in existence in August and September 1903? A. It is.
Mr. Mulholland:
That is all right then.

325 Cross examination waived.
Recess 15 minutes.

JOSEPH M. CLANCY

sworn by the clerk.

DIRECT EXAMINATION

By Mr. Merritt:
326 By the Clerk:
Q. State your full name? A. Joseph M. Clancy.
Q. Mr. Clancy, you are secretary today of the Norwalk Finishers' Union, are you not? A. Yes.
Q. What number is that? A. 16.
Q. You are the successor of Mr. Sculley? A. Yes.
Q. Have you the minute book of the Union with you? A. Yes, sir.
Q. Will you produce it? A. (Produces book).
Mr. Mulholland:
Mr. Clancy, are you a defendant in this case?
327 The Witness:
No.
Q. Is that the minute book? A. Both of them.
Q. Give me the minute book which has the minutes for 1899 and 1900? A. This is 1899.
Q. And the other is 1900? A. Yes.
Q. Those were handed to you by Mr. Sculley when he left the office? A. Yes.
Mr. Merritt:
That is all; I will recall Mr. Sculley.
Cross Examination waived.
328

JOHN W. SCULLEY

recalled.

DIRECT EXAMINATION

By Mr. Merritt:
Q. Turn to the minutes of November 8, 1899, page 494. Were those minutes kept by you? A. Yes.

Q. Kept in the ordinary course of business? A. Yes. 329

Q. In your handwriting? A. Yes.

Q. Were they written out about the date which they bear? A. That I can't be sure. They were taken at the meeting.

Q. And written out by you about that time? A. About that time, yes.

Q. In the ordinary course of business? A. Yes.

Q. Do they correctly represent the business transacted at that meeting? A. I believe so.

Mr. Mulholland: 330

Objected to for the reasons heretofore stated, and does not attempt to prove any material allegation of the complaint, and an exception.

Mr. Merritt:

"Regular meeting November 8th 1899. Meeting held in G. A. R. hall. Joseph Tammany Jr. presiding." Minutes signed by J. W. Sculley secretary. I will read one extract from it. "One, submitting preamble and resolutions adopted by the General Executive Board and recommending the two per cent assessment on the earnings of members to support the men on strike in Orange." 331

Q. Have you that resolution? A. No, I have not.

Q. Was it the same resolution as was adopted at the convention in 1900? A. What is the date of that?

Q. November 8th 1899? A. I don't think so.

Q. Do you know what the resolution was? A. It was a recommendation or resolution drafted by the General Executive Board, sent out to the Locals to be adopted by the Locals levying two per cent on the earnings of the members.

Q. Referring to the Berg strike? A. Well, I am not sure about that. 332

Q. Have you any recollection today what the resolution was? A. I haven't seen them until you showed it to me.

Q. I have read all there is relating to it? A. I don't know just what it is.

Q. I show you the minutes of January 10th 1900. Are those in your handwriting (showing)? A. Yes.

Q. They were entered there by you in the ordinary course of business? A. Yes.

333 Mr. Mulholland:

This is likewise objected to as being purely hearsay, and for the reasons heretofore stated, and we reserve an exception.

Mr. Merritt:

Regular meeting January 10th, 1900. Meeting held in G. A. R. hall. Present Joseph Tammany, Jr., in the chair. Communications were read from the Orange association giving a detailed account of the strike in the Berg shop in that district, what had been and was being done to win the same. From John Phillips a letter con-

334 taining copies of circular letters that were being sent to retailers and jobbers in hats, others that go to the labor organizations in the country, appealing to them to assist our organization in its fight with the Berg Co."

The Court:

Is that true?

The Witness:

True that they were received, yes.

Q. From the National secretary? A. Yes.

Q. You have no way of telling the names of the members who were present at that meeting? A. No, I

335 have not. The roll book goes back to 1902 where we take the names of those at the meeting.

The Witness:

The last book we have that gives the names of those present goes back to 1902.

HUGH C. SHALVOY,

sworn by the clerk.

336

EXAMINED

By Mr. Merritt:

Q. What is your full name? A. Hugh C. Shalvoy.

Q. Mr. Shalvoy, you are a defendant in this case? A. Yes, sir.

Q. What office do you hold in connection with the United Hatters? A. Secretary-Treasurer of the Danbury Hat Finishers Association.

Q. How long have you held that office? A. Since about March 1st, 1894.

Q. What is the number of that local? A. Local No. 11. **337**

Q. Can you tell me what was the approximate membership of that organization in 1903? A. About 1300 members, I should judge.

Q. Had the membership remained at about that number for a number of years past? A. Yes, it was not less; about the same.

Q. Been about the same for a number of years prior to 1903? A. It grew a little. It was not quite so many a few years before.

Q. What do you mean by a little; one hundred members? A. About one hundred. **338**

Q. Will you examine these and state which was the constitution and by-laws of your Local No. 11 at the commencement of this suit, September, 1903, (showing documents to the witness)? A. This is the one.

Mr. Merritt:

I offer it in evidence.

(Said document marked Plaintiff's Exhibit 10.)

Q. Have you held any other office in connection with the United Hatters? A. Director.

Q. When were you a director? A. I couldn't give you the exact date; about 1904, 1905 possibly. **339**

Q. You were not a director prior 1904? A. I don't think so.

Q. Have you been a delegate to any of the conventions of the United Hatters? A. Yes.

Q. What ones? A. 1896, 1900, 1903, 1907.

Q. You have been a delegate to all the conventions, except the 1911 convention? A. All since 1896.

Q. Since the United Hatters was formed? A. Yes.

Q. That amalgamation took place at a convention of the Finishers and a convention of the Makers, did it not, Mr. Shalvoy? A. Yes, sir. **340**

Q. There was a joint convention of the Finishers and Makers? A. Yes.

Q. Will you explain the manner in which assessments and dues are collected in your local? A. At what period?

Q. In 1903? A. On the assessment plan.

Q. They were collected by the shop steward? A. The shop steward.

341 Q. And the shop steward turned the money over to you? A. Yes.

Q. You received the local dues and sent the national dues to the national secretary? A. Yes, sir.

Q. How did the shop steward collect them? A. Collected from each member of the shop's crew each pay day.

Q. Were the national dues collected at different times than the local? A. I think they were both collected together.

Q. How often? A. Each pay day.

Q. That is, weekly? A. Well, if the pay day was
342 weekly it was collected weekly. If it was bi-weekly it was collected then.

Q. How often does your local hold meetings, or did it hold meetings in 1903? A. Every three months.

Q. Did it occasionally have special meetings? A. When the occasion required, yes; very seldom.

Q. What method did you take to notify your members of those meetings? A. Used to have a written notice, and those notices would be placed in the different factories, in the departments governed by our association.

Q. Did that apply to both special and regular meet-
343 ings? A. Yes.

Q. Did you ever publish the notices in the Danbury News? A. Very seldom; occasionally we used it.

Q. Was your local in 1903 affiliated with the Central Labor Union of Danbury? A. Yes, sir.

Q. Paid dues to it? A. Yes, sir.

Q. Was it affiliated with the State Federation of Labor? A. Yes.

Q. Paid dues to them? A. Yes.

Q. Will you explain in what way your local took part in the election of delegates to the convention of the Amer-
344 ican Federation of Labor? A. Nominees of the delegates were sent to the different local associations, to our local association, and they voted for those nominees at our regular meeting, or at a special meeting.

Q. How were the nominees chosen? A. They were nominated by the different locals.

Q. And sent to the national? A. And sent to the National Association.

Q. And then the locals subsequently voted on the names of these nominees? A. Yes.

Q. The national organization sent you a list of the **345**
nominees? A. Yes.

Q. And then your locals voted on those nominees? A. Yes.

Q. You read the Journals of the United Hatters from time to time? A. Yes.

Q. Have you read the printed convention proceedings of 1900 and 1903? A. Partially, not all.

Q. Did you receive any of these for distribution in 1903 and prior thereto? A. Yes.

Q. Will you state to the jury about the number you received of journals and the manner in which you dis- **346**
tributed them?

Q. Mr. Shalvoy, about how many of these printed convention proceedings did you receive? A. I couldn't say exactly. I should judge possibly 350. I never counted them.

Q. How many of the different issues of the Journal? A. About the same; that is, in proportion to the membership.

The Court:

Did you put those where the members could see them and read them? **347**

The Witness:

They used to come to the office, and the stewards used to take them to the factory, take part of them. Some of the members used to see them, and some of them didn't.

Q. Have you your minute book here of the local? A. Yes.

Q. Will you turn to the minutes of February 7, 1900? A. Yes.

Q. Are those minutes in your own handwriting? A. Yes.

Q. You recorded them there about the date which **348**
they bear? A. Yes.

Q. Do they accurately represent, truthfully represent the proceedings of that meeting? A. I think they do.

Mr. Mulholland:

We object to the reading of the minutes for the same reasons before given, and an exception is saved.

Mr. Merritt:

"Regular meeting of the D. H. F. Association"—That is the Danbury Hat Finishers? A. Yes.

349 Mr. Merritt:

"Held in City Hall February 7th, 1900. Vice President Henry F. in the chair, Frederick N. McGirk, Sergeant at Arms." I will skip the first part of the minutes. "Mr. Daniel Brady of Orange, New Jersey, addressed the meeting on the strike in Berg & Co. He said in part that he was here in the first place to thank the Hat Finishers Association of Danbury for their grand assistance during the trouble with Berg & Co. Another reason he was here was to give the hatters of Danbury some information regarding the strike and to tell you what was being done with their
350 money. He said that when they entered the strike it was the intention to force Berg & Co. fair and from the evidence he had received when he left Orange he was convinced that they were right, and Berg & Co. will be forced to make their factory fair or go out of business. There are six men on the road working on the Berg & Co. hats. When he worked in Berg's he said they turned out twenty-one hundred dozen hats a week, and his profits were $30,000 a year, which is 5% on a business of $600,000 a year. The record for the past week was sixty-nine dozen a day, or four hundred and eighty-three for the week. It took 115 dozen a
351 day to pay the running expenses of the Berg & Co plant; he said that he was satisfied that Berg & Co. was beat. There were sixty-seven practical finishers in the factory, and the rest were leaners, and the practical men were employed fixing over what the others spoiled; that Berg had given orders to the foremen to press down on the men and get better work, as the floor walkers expressed it, that the hats were coming back like an army of ants. Motion that Mr. Brady be given a vote of thanks for his trouble in coming to Danbury and the information he gave us. Carried."

Mr. Beach:

352 May I ask the gentlemen whether they claim that as evidence of the facts stated?

Mr. Merritt:

Most certainly we do.

Mr. Beach:

We object to it as evidence of the facts.

Q. Will you examine the minutes of April 11th, 1909?

The Court:

On what ground do you claim that this is evidence of the facts?

353

Mr. Merritt:

I regard a declaration by a co-conspirator as to what they were doing in furtherance of the conspiracy, and particularly the declarations made in the furtherance of the conspiracy, as evidence of the fact binding on all the members of the combination.

The Court:

You make no claim on the principle of acts of an agent?

Mr. Merritt:

I make the claim on that also.

354

Mr. Beach:

Some of the members.

Mr. Davenport:

This gentleman was there and he was a member.

The Court:

This man was there, and he made a memorandum of what was said, and this is the memorandum which he says is substantially correct.

Mr. Beach:

Yes, but I object to it as evidence of fact stated by this man Brady.

355

The Court:

That depends upon whether it turns out that there was a conspiracy, and that this man was a member of it; and also whether he was agent acting for the conspirators to violate some statute.

Q. Mr. Shalvoy, what office did Mr. Brady hold at this time? A. I don't know as he held any office.

Q. Wasn't he the official representative sent around to tell about this matter to the various locals? A. I don't know what authority he had for coming to Danbury.

Q. He went to other locals, didn't he, and made some statements? A. I couldn't say about that either.

356

Q. Wasn't he at one time a director of the United Hatters? A. Yes, he was.

Q. When was that? A. I couldn't tell you the time. I remember him being a director. I know that he was at some time a director, but I couldn't tell the year.

Q. Will you examine the minutes of April 11 and tell me whether those are in your handwriting? A. Yes, sir.

Q. Does your testimony which you have given in regard to the previous minutes apply also to these? A. Yes.

Mr. Mulholland:

357 I desire to make the same objection to the reading of this portion of the minutes, and save an exception.

Mr. Merritt:

"Adjourned quarterly meeting held in the city hall April 11, 1900."

The Court:

Is this witness one of the defendants?

Mr. Merritt:

Yes, your Honor. "Mr. Daniel McGrath, who was one of the agents sent on the road, advertising the label on the Berg affair, gave quite a lengthy statement of his ex-
358 perience and success while on the road. Mr. James P. Maher, National Treasurer, also made a statement of the affairs as they existed in Orange, and in the Philadelphia case. Motion that it is the sense of this meeting that we uphold the National officers in the stand they have taken, and that we keep up the 2% assessment. Carried."

Q. This reference to the Philadelphia case, do you know to what that refers? A. No, I do not. I don't recollect at this time.

The Court:

You knew at the time of it?

The Witness:

359 Yes, I must have known at the time.

The Court:

You do not recall now?

The Witness:

I can't remember now.

Q. Have you any doubt in your mind in the connection in which it appears but that it refers to the Roloff case?

Mr. Mulholland:

That is objected to, to ask the witness if he has any doubt.

The Witness:

360 I am not prepared to answer the question.

The Court:

I understand this man is one of the defendants.

Mr. Mulholland:

That is true, but you can't ask him—

The Court:

(Interrupting.) And he wrote that in the book, and he refers to the Philadelphia case.

Mr. Merritt:

And the Orange case in the same connection.

361

The Court:

He also refers to the Philadelphia case. He says he knew at the time of it who it referred to but can't now recall. He was then asked if it referred to the Roloff case. You say that isn't proper?

Mr. Mulholland:

I don't think it is proper.

The Court:

The court overrules it.

Q. Have you the minutes of April 1st, 1903? A. I remember from the last trial that there was a minute that was out of order.

362

Q. I don't think this is the one. A. I don't find it here. What date was it?

Q. April 1st, 1903. A. Here it is.

Q. Does the testimony which you have given about the other minutes apply to these minutes of April 1st, 1903? A. Yes.

Mr. Merritt:

"Quarterly meeting of the D. H. F. Association held in City Hall April 1st, 1903, vice-president Blake in the chair."

Q. That is the defendant Simon Blake, isn't it? A. Yes.

363

Mr. Mulholland:

The same objection, and save our exception to the reading of this portion.

Mr. Merritt:

"Mr. John W. Sculley and Robert Pierson of South Norwalk ask the privilege of the floor, which was granted. Mr. Pierson made a statement in reference to the condition that was agreed upon between the national officers and Henry H. Roeloff of Philadelphia, claiming that said agreement was in violation of our national law. Mr. Sculley followed with quite a lengthy statement along the same lines, that in the Roeloff factory 22 apprentices were registered for about 100 men employed. Vice-President Lawlor and Treasurer Maher followed, making an explanation of the settlement made with Henry H. Roeloff by the national officers and claimed it was the best settlement that could be made under the circumstances and under the laws of the State of Pennsylvania. Motion that this association endorse the action of the national association in the settlement with Henry H. Roeloff. Carried."

364

365 Q. Minutes of June 6, 1901.

Mr. Davenport:

Robert Pierson is a defendant, John W. Sculley is a defendant, Simon Blake is a defendant, and H. C. Shalvoy is a defendant.

Q. Does the same testimony apply to these minutes as to the previous minutes? A. Yes.

Mr. Merritt:

"Regular meeting of the Hat Finishers' Association held in the City Hall June 6th, 1901." "The communication which is to be sent to labor organizations throughout
366 the country by the national association setting forth the difficulty existing in the factory of H. H. Roeloff & Co. of Philadelphia was received from National Secretary Phillips and placed on file."

Q. Special meeting of July 29, 1903, I take it the same testimony applies to those minutes? A. Yes.

Mr. Merritt:

"Resolved that it is the sense of this association that the United Hatters have now in their employ a regularly appointed agent in the person of Chris J. Lee, who has done valuable service since his appointment last October. The
367 entire staff of agents were called home on account of the convention and recently they have been returned to their respective duties with the exception of Chris J. Lee, who should have been one of the first to be sent out if the best interests of the United Hatters was the primary consideration. Mr. Lee is a member of our association who has the respect and confidence of his fellow members merited by long years of unselfish adherence to the principles of our association. He is a man fit by education and experience to fill creditably any position at the disposal of the General Executive Board. We respectfully request said Board to
368 again place Mr. Lee in active service and hope they will see the wisdom of an early and favorable consideration, especially as the services of a capable man is always in demand to advocate our label in any section."

Mr. Davenport:

I might say to your Honor that Mr. Lee was one of these gentlemen whose reports are to be found in regard to the plaintiffs and the others in the Journals which will be introduced by and by.

Q. Mr. Shalvoy, did you attend any of the conventions of the American Federation of Labor? A. Yes.

369 Q. What ones? A. 1908.

Q. Did you attend any prior to that date? A. I meant 1898, not 1908.

Q. Were you a delegate? A. Yes, I was a delegate.

Q. From what organization? A. From the Connecticut State Federation.

Q. Is that the only convention you have attended of the American Federation of Labor? A. I attended the 1911 convention.

Q. That covers all the conventions you have attended? A. As a delegate, yes.

370 Q. What committee did you serve on, if any, at the 1898 convention? A. I don't recollect that I served on any committee.

Q. When you were present at the 1900 convention of the United Hatters did you vote for John Moffitt as president? A. I believe I did. If I was there when the vote was taken I think I did.

Q. How about the convention of 1903, did you then vote for John Moffitt as president? A. I think so.

Q. Did you vote for the other officers who were elected at both conventions? A. I think so.

371 Q. You wrote a letter to the Journal for January, 1902, did you not? A. I think I did.

Q. Is that the letter (showing)? A. Yes, that is it.

Mr. Merritt:

I will read an extract from this letter of Mr. Shalvoy's. It appears in the official Journal of the United Hatters for January, 1902.

Mr. Mulholland:

To which we object for the reasons heretofore stated, and save an exception.

Mr. Merritt:

372 After referring to a fair and money received, he says: "It was from this fund that the first aggressive advertisement of the Hatters' label was done. If I remember rightly over 75,000 circulars were sent out to all the labor organizations throughout the country advertising the label and calling attention to some of the worst scab shops in the country, such as James Marshall's of Fall River, John B. Stetson's and Henry Roeloff's of Philadelphia, C. H. Merritt & Sons of Danbury, and others that have since become fair."

373 Mr. Mulholland:

I submit to the court that this is not relevant.

The Court:

If it relates to a single defendant, it is admissible.

Mr. Mulholland:

As against that one.

The Court:

Yes. Whether it is admissible as against the others, would depend upon other evidence.

Mr. Mulholland:

We save our exception to it.

374 Mr. Davenport:

When we see what this journal is, that it is the declaration of every one of these defendants.

Mr. Mulholland:

(Interrupting.) Oh, no.

Mr. Davenport:

Surely it is. It is the official mouth-piece, they say. It is gotten up by them and published for the purpose of doing these things.

The Court

That is just it. If the jury find that to be a fact, then they will take the evidence as applicable to just as many as

375 they so find.

Mr. Merritt:

I will read the letter of Mr. Schalvoy in the Journal of 1903. "Danbury, Conn., December 28th, 1902. Mr. Editor: The condition of trade in the district of Danbury is exceptionally good for this season of the year. All the soft shops are rushing. The greatest trouble in soft hatting seems to be in the scarcity of men. The Green Soft Hat Manufacturing Company is running to its full capacity, and would make room for 10 or 12 more men if they could get them. E. A. Mallory & Sons are also very busy in their

376 soft department. Ferry, Webber & Co. of Newburgh, N. Y., is the banner shop of this district for the quantity of work they turn off. They average about 2500 dozen a week and have orders enough now on hand to keep them going at this rate until next spring. N. Delohery & Co. is a new firm that is manufacturing soft hats, and promises to become one of the leading soft shops in the district. Hawes, VonGal & Co. are quite busy on soft hats. This shop is considered the best soft shop in the district to work in. Stiff hatting has been very good this fall, and no one

has any complaint to make about dull times since last July. 377
It will be of interest to the hatters of other districts to know that we have added another shop to the fair list. P. C. Millard & Co., which has been an independent shop since the lockout in 1893, has been taken into the fold and was unionized about a month ago. They manufacture both soft and stiff hats, and we look confidently forward to it becoming one of the best shops in the district. Just now the coal situation seems to be quite a serious question to the citizens of Danbury, and to the hatters in particular. During the past week nearly one-half of the factories were shut down, as they were unable to get coal enough to keep them run- 378
ning, while many of the other shops were kept going by burning wood to keep up steam.

H. C. Shalvoy, Secretary."

Q. That letter was true, was it Mr. Shalvoy? A. To the best of my knowledge it was, yes.

Q. Did you send any circulars to the defendants in Danbury concerning the employment of counsel? A. Not that I recollect.

Q. You don't recall any such circulars being sent? A. I recall circulars being sent, but I don't think I had any- 379
thing to do with it.

Q. Do you recall any circulars being sent them relating to the attachments in this suit? A. I remember hearing—

Mr. Beach:

(Interrupting.) Objected to; occurring after the action.

The Court:

I don't know what the point is. How is it material?

Mr. Merritt:

It seems to me, your Honor, clearly material that this 380
organization immediately assumed the defense of this case and issued circulars to the members that it would do so. The members accepted the statement and turned the matter over to them. It all tends to show the combination existing at the time of the suit.

The Court:

You offer it for that purpose?

Mr. Merritt:

That is all.

381 Mr. Beach:

We insist that in this action for damages no defendant can be liable at all unless he was liable on the date of the writ, and what he did afterwards in this action for damages is utterly immaterial.

Mr. Merritt:

Don't you think it tends to prove these men guilty if they turned over the defense of this action to the very men who they claim now got them into this trouble?

The Court:

It is a very simple question. It may be taken subject
382 to their objection.

Mr. Mulholland

An exception.

Q. (Question read)? A. I have no recollection about that.

Q. You didn't take any part in it? A. No.

Q. You never saw any such circulars? A. I don't remember ever seeing them.

Q. You don't recall receiving one yourself? A. No.

Q. You don't recall receiving any circular concerning this employment of counsel? A. No.

Q. What steps did you take to employ counsel?

383 Mr. Mulholland:

That is objected to.

Mr. Mulholland:

An exception.

A. I don't know as I took any. I don't recollect taking any steps.

CROSS EXAMINATION

By Mr. Beach:

Q. I wish you would show me the minutes that were referred to as those of April 11th, 1900? A. (Witness
384 shows counsel.)

Q. Are you sure that date is right, April 11, 1900, and that it is in the right place in the book? A. I think so.

Q. In those minutes of April 11, 1900, there is this statement: "Mr. James P. Maher, National treasurer, also made a statement of the affairs as they existed in Orange and in the Philadelphia case." Do you remember being asked something about that? A. Yes.

Q. Do you remember being asked this question: "Have you any doubt but what that Philadelphia case re-

ferred to the Roeloff case?" Were you asked that question? A. I believe so. 385

The Court:

He was asked the question, but he didn't answer; you got into a discussion about it and counsel passed it.

Q. Then I would like to ask the witness whether he recalls at what date it was that any trouble occurred with the Roeloffs? A. I couldn't say what date it was.

Mr. Merritt:

It was after that.

Mr. Beach:

That is admitted, is it? 386

Mr. Merritt:

Yes.

(Adjourned to to-morrow at ten o'clock.)

Wednesday, August 28th, 1912.

(Jury called by the clerk.)

The Court:

Proceed.

JOHN O'HARA,

387

sworn by Mr. Carroll.

The Clerk:

Your full name? A. John O'Hara.

EXAMINED

By Mr. Merritt:

Q. Mr. O'Hara, are you a defendant? A. Why, no, not in a sense—

Q. In any sense are you a defendant? A. Excepting as a member of the organization. 388

Mr. Mulholland:

He is not a defendant.

Q. You are secretary of Local No. 10? A. Yes, sir.

Q. And that is the local makers' union of Danbury? A. Yes, sir.

Q. Who is your predecessor in office? A. Mr. P. H. Connolley.

Q. And when did you become secretary? A. Year ago July 1st.

389 Q. And do you know how long Mr. Connolley was secretary? A. Why, I think he was fourteen or fifteen years.

Q. Have you the minute book of the Local Union? A. No, sir.

Q. Where is it? A. It is held in the Fairfield County Superior Court in the O'Connor case.

Q. (By the Court): Was it used? A. Yes, Your Honor.

Q. Made an exhibit? A. Yes, Your Honor, and I tried to get it, thinking that they were through with it. I
390 was told by the attorney that I couldn't get it back as the gentleman took an appeal from the decision, and it is held there.

Mr. Beach:

Subject to objection we will agree that these extracts from this printed record may be read now as if the witness was reading them from the minute book.

Mr. Merritt:

This is in Volume 2, Your Honor, and I think the first extract is on page 276. That should be April 12th, 1900, instead of 1901, which is an error.

391 Mr. Mulholland:

This goes in subject to our exception.

Mr. Merritt:

Yes. This is an extract from the minutes of April 12th, 1900, of the Hat Makers' Union of Danbury.

The Court:

Was this witness present?

Mr. Merritt:

He was not present.

Mr. Beach:

We waive that objection. We will assume that the
392 book is here and that the witness is reading these extracts from the minute book; and they may be read into the record as if this witness was reading them from the minute book; and there is no objection to the identification of the record.

Mr. Davenport:

They were made by Mr. Connolley.

Mr. Beach:

We will agree that they were made by the then secretary, whoever it was.

Mr. Davenport:

Mr. Connolley.

393

Mr. Merritt:

In the original trial these minutes were offered through Mr. Connolley; he was then secretary; so they were thoroughly identified at the time.

The Court:

He probably then testified that he was present and made the minutes, and substantially correctly.

Mr. Beach:

He either did, or it was assumed, one or the other.

The Court:

Now, if you assume that? 394

Mr. Beach:

That we assume.

The Court:

Very well.

Mr. Merritt:

"Minutes of April 12th, 1900. Mr. McGrath stated to the meeting that the stories going around that Berg & Co. were doing poor work wasn't so. He had been on the road for several weeks, and had made a good success in having Berg's orders countermanded. He gave a good account of the work done by all of the men on the road, and felt sure 395 it would not be long until Berg gave in."

Then the minutes of the same association held on April 19th, 1900, it appears that Patrick Gilday who, I think, is a defendant, was present at this meeting. "Mr. Moore took the floor and made a very lengthy speech—in which he mostly ridiculed the National Executive Board of Directors for their action in the Berg strike. Mr. Finnigan also made a few remarks in reference to the Berg affair and the granting of the transfers. Mr. Lawlor then took the floor and gave a lengthy statement as to why the board took the action they did in the Berg strike, as also did President 396 Maher. Several members then discussed the question for and against the stand Philadelphia had taken. Motion, the entire matter be referred to the coming convention." I will now read the minutes of the Hat Makers' Union of Danbury for November 22nd, 1900. "President Maher reported the factory of Mallory & Sons had been unionized and the secretary read a list of fines that had been imposed and collected. Motion, that the action of the officers in unionizing Mallory's factory be endorsed. Carried."

397 Mr. Merritt:

Yes, Your Honor. I read from the minutes of the Danbury Makers' Association for March 6th, 1902. "The president made a report of the progress that had been made in the Roelofs strike which showed the union was making good progress."

Q. How long have you been a member of Union No. 10, Mr. O'Hara? A. About twenty-four years.

Q. (Showing witness book.) Is that the constitution and by-laws of the local that was in existence in 1903? A. The National Laws.

398 Q. And the local by-laws? A. Well, I wasn't in Danbury at the time. I was in another district.

Q. How about 1902? A. I was out of the district also in that year.

Q. Just when were you absent? A. It was about 1904, I think, I came to Danbury from Brooklyn.

Q. And hadn't you been in Danbury prior to that time? A. Yes. I served my apprenticeship in Danbury, but I went to another district with my family.

Q. When did you leave Danbury? A. I think it was about 1897 of '8.

399 Mr. Merritt:

We offer in evidence the constitution and by-laws of Local Union No. 10, which is the Local Hat Makers' Union of Danbury.

(Marked "Plaintiff's Exhibit 11," and laid in evidence.)

Mr. Merritt:

I don't think we can go any farther with this witness, because of his absence during that period.

CROSS EXAMINATION

400 By Mr. Mulholland:

Q. When did you return to Danbury District, Mr. O'Hara? A. I think it was 1904.

Q. And since that time have you been continuously in the Danbury district? A. Yes, sir.

Q. What, if any, official position do you now occupy? A. Secretary-treasurer of Local 10, Hat Makers.

Q. And as secretary I wish you to state whether or not you have any charge over the offices of that association in Danbury? A. The officers?

Q. The offices, rooms? A. Oh, yes I have charge of all the stationery in our department. 401

Mr. Mulholland:

That is all.

RE-DIRECT EXAMINATION

By Mr. Merritt:

Q. I will ask you one question whether or not when you became secretary you received from Mr. Connolley any circulars, or letters or copies of letters which had been sent out to members concerning the employment of counsel in this suit. 402

Mr. Mulholland:

That is objected to.

The Court:

Answer yes or no.

A. No, not any whatever.

Q. And did you receive any letters or circulars sent out to members concerning the attachments in this suit.

Mr. Mulholland:

The same objection.

A. Not any or heard of none. 403

Witness excused.

Mr. Merritt:

"Plaintiff's Exhibit No. 2," which is the Constitution and By-Laws of the United Hatters of North America.

"Constitution and By-laws of the United Hatters of North America, May, 1903.

"CONSTITUTION.

"ARTICLE I.

"Title. 404

"This Association shall be known as 'The United Hatters of North America.'

"ARTICLE II.

"Jurisdiction.

"Section 1. It shall have jurisdiction over the general welfare of local associations; shall apportion, in a fair, equitable manner, the number of delegates from each

association; make assessments for financial purposes in accordance therewith; pass such general laws and transact such other business as in its opinion the welfare of the trade demands, provide no such law shall conflict with the general spirit of the Constitution.

"Section 2. In all union factories the making and finishing shall be performed by members of the United Hatters of North America exclusively, or by registered apprentices. Finishing will comprise the following: pouncing on lathe or by hand, wining, rounding, pressing, blocking, squaring, packing, wiring, luering, curling, top-ironing, planing, setting and any work done on any machine in curling or finishing departments. Making will comprise coning and slipping, hardening, sizing and second-sizing, shaving and pouncing, blocking, stiffening, clearing, squaring and galvanizing, pinning-out of all kinds by hand or machine, and foreman of the same.

"Sec. 3. Any factory not living up to Section 2 of Article II of the Constitution shall not be entitled to the privileges of this Association as contained in Articles V, XVI and XIX of the National By-Laws.

"ARTICLE III.

"Title of Local Associations.

"Section 1. All regularly organized associations connected with the United Hatters of North America shall be known and styled the United Hatters of North America, and shall be given a number by the National Executive Board.

"Sec. 2. Should any local association withdraw or be suspended, in accordance with Article XIV of the By-laws of this Association, it shall be the duty of the National Executive Board to withdraw the name and number of said organization so suspended or who shall withdraw from this Association.

"ARTICLE IV.

"Meetings.

"Section 1. Regular sessions of this Association shall be held every four years.

"Sec. 2. Each regular convention shall decide on the time and place of holding the next regular one. Such

time and place shall not be changed unless it be the ex- 409
pressed wish of two-thirds of the local associations (in the manner as hereinafter provided for), at least three months prior to the date fixed.

"Sec. 3. Proceedings of all regular conventions shall become a law immediately on the final adjournment of said convention, and shall remain so unless repealed by a two-third representation of the local associations in the manner as hereinafter provided for.

"Sec. 4. In voting for the proceedings of conventions the vote shall be as follows: local associations shall be entitled to one vote for every ten members or majority 410
fraction thereof. The number of votes shall be based on the number of members in the district as stated in the semi-annual report last issued prior to the meeting of the convention. It shall require two-thirds of the total vote of the districts to annul new laws or amendments to existing laws.

"Sec. 5. If emergencies shall arise the Board of Directors shall have power to call a special convention by a two-third vote of their number. Upon the application of two-thirds of the total membership a special convention shall be called. The proceedings of the same shall 411
become a law immediately on its final adjournment, and shall remain so, unless repealed by a two-third vote of the local associations, in the manner as provided for in Section 4 of this Article. The officers shall convene all meetings of this Association until their successors are elected, and this Association shall pay all the necessary expenses therefor.

"ARTICLE V.

"Section 1. All regularly organized associations un- 412
der the jurisdiction of this Association shall be entitled to representation. Local Associations having two hundred members and not less than twenty members shall be entitled to one representative. Local associations having more than two hundred members shall be entitled to one delegate for each additional two hundred or a majority fraction thereof. The number of delegates shall be based on the number of members as stated in the semi-annual report last issued prior to the meeting of the convention. All

expenses of delegates to a convention shall be borne by this Association.

"Sec. 2. Each delegate to a convention shall receive for his services four dollars per day and car fare for one round trip between the district he represents and the meeting place of the convention. He shall also receive two dollars and a half per day as hotel and incidental expenses.

"Sec. 3. Local associations in arrears for the assessment to pay the expenses of a convention shall not be entitled to representation in said convention.

"ARTICLE VI.

"Revenue.

"The revenue of this organization shall be raised by a percentage assessment on the earnings of its members.

"ARTICLE VII.

"Traveling Cards.

"Section 1. There shall be a general card issued by this Association signed by the President and Secretary, to be transmitted to the secretaries of local associations, which must not be used by or for more than one person. Traveling cards with more than one name on shall not be asked for or recognized in any manner whatsoever.

"Sec. 2. Any journeyman having a card deposited in any district, and using another obtained through misrepresentation, shall be subject to such penalty as this Association may impose.

"Sec. 3. Any journeyman receiving a traveling card from a local association, under certain conditions, must comply with said conditions in any district where he may deposit his card. Failing to do so, the local secretary that granted the card shall have power to recall it from the district where it may be deposited.

"Sec. 4. If a local secretary, through negligence or mistake, gives a man a clear traveling card, and ascertains subsequently that there is money owing on it, he shall have power to recall the card and to place on it whatever amount may be owing on said card. Any local secretary refusing to send a card back in such a case shall

be fined in a sum not less than five dollars, to be collected by the Secretary of this Association on complaint being made. 417

"Sec. 5. The Secretary of this Association shall furnish to local associations traveling cards designated '"Makers"' or '"Finishers"', as they may be required.

"Sec. 6. Cards so designated will entitle the holder to work at both branches in any district with the consent of the local Executive Board.

"ARTICLE VIII. 418

"Withdrawal Card.

"Any member desiring to leave the trade to engage in other business shall pay all fines, assessments or other indebtedness before he can receive a withdrawal card. This card will entitle him to readmission to the Association at any time he may wish to return, provided he has not committed any offense against the trade during the time he held said card. While holding a withdrawal card a member shall not be entitled to any benefits whatsoever.

"ARTICLE IX. 419

"Officers and Their Duties.

"Section 1. The officers of this Association shall consist of a President, Vice-President, Secretary and Treasurer. They shall constitute the Executive Board of this Association; they shall be elected at the regular sessions of this Association by ballot every four years, and the majority of the votes of the members present shall constitute a choice.

"Sec. 2. There shall also be a board of ten directors, who shall be elected at the regular sessions of this Association every four years. Superintendents or foremen shall not be eligible to serve on the Board of Directors. 420

"Sec. 3. Any vacancy which may occur in the Board of Directors by death, resignation, removal or clearing from the district where elected from, the same shall be filled by the local association where the vacancy occurs.

"Sec. 4. There shall be a Finance Committee to consist of three members of local associations.

421 "Sec. 5. It shall be the duty of the President to preside at all meetings of the Association decide all questions of order, subject to an appeal he shall be an ex-officio member of the Board of Directors; he shall appoint a Finance Committee of three. They shall serve for six, twelve and eighteen months respectively, as they are named by the President. A new member shall be appointed every six months. The President shall receive all charges preferred by one local association against another and shall submit them to the Board of Directors. He shall have power to call a meeting of the Board of Directors at any time he may
422 deem it necessary. At the request of one-third or more of the membership of this Association he shall call the Board of Directors together. In consideration of his services he shall receive the sum of fifteen hundred dollars per annum, payable weekly.

"Sec. 6. The Vice-President shall assist the President with his counsel and support. Should the office of President become vacant by death, resignation or otherwise, the Vice-President shall perform the duties of the office for the remainder of the term, and the Board of Directors shall fill the vacancy in the office of the Vice-President. In case of a vacancy occurring in the office of Secretary or Treas-
423 urer the same shall be filled pro tem by the President, and the Board of Directors shall, without unnecessary delay, fill the office for the unexpired term. The Vice-President shall receive for his services the sum of twelve hundred dollars per annum, payable weekly.

"Sec. 7. It shall be the duty of the Secretary to keep a proper record of the doings of this Association, attend to all correspondence and answer the same as directed; keep a correct account of financial affairs and other statistical accounts furnished by the local secretaries, and notify all local associations of all assessments levied by this Asso-
424 ciation. It shall also be his duty to transmit semi-annually a financial report, by item, to each local association, together with a full and complete copy of each local secretary's report, in a printed form, and perform such other duties as may be laid down in the laws and rules of this Association; and in consideration of his services he shall receive the sum of twelve hundred dollars per annum, payable weekly.

"Sec 8. The National Secretary shall act as Secretary of the Board of Directors.

"Sec. 9. It shall be the duty of the Treasurer to receive all moneys from the Secretary, giving a receipt for the same; he shall make no disbursements without an order from the Secretary, countersigned by the President; he shall deposit all such moneys in such savings institutions as the General Executive Board may direct, retaining in his possession the sum of one hundred dollars for the purpose of meeting demands of the Association; he shall also send to the Association, at its regular session, a full report of all moneys received and disbursed, and perform such other duties as the General Executive Board may direct; and shall receive for his services the sum of twelve hundred dollars per annum, payable weekly. 'In view of the salary paid to the National Officers they shall devote all of their time to the service of the National Association, and they shall pay their own traveling expenses between the office and the respective homes.'

"Sec. 10. The Secretary and Treasurer of this Association shall furnish bonds, from a reliable security company, for the faithful performance of their duties. The amount of said bonds to be determined by the Board of Directors. All expenses connected with the furnishing of bonds, shall be paid by this Association.

"Sec. 11. It shall be the duty of the Finance Committee to examine the books and accounts of the Secretary and Treasurer once in six months, and report the result to the President in time to have it incorporated in the semi-annual report of the Association. Any expense attaching to such investigation shall be paid by this Association.

"Sec. 12. The Board of Directors are hereby empowered to set off new districts, either from those already in existence or otherwise, when, in their judgment, it is necessary for the welfare of the trade. The local associations and all parties interested must always be consulted in such cases before any action is taken. The General Executive Board shall also have power to appoint local secretaries in any part of the country where there are more than one and under ten journeymen employed, provided said appointments will not conflict with any organization working under the jurisdiction of this Association contiguous to the locality wherein said appointments are made; said secretaries shall hold their appointments for one year, unless for cause their office becomes vacant.

"Sec. 13. The General Executive Board, having the power of appointing the local secretaries, in compliance with Section 12, they shall have the power to abrogate any appointment if deemed for the interests of the trade. All local Secretaries under Section 12 shall deliver immediately, to their successors in office, all books, papers or moneys they may have in their possession belonging to the trade.

"Sec. 14. In cases wherein local officers fail to perform the duties prescribed for them by the laws of this Association, they shall be removed from office by the General Executive Board, and said Board shall appoint a member of the local association to fill the office temporarily until a successor is elected.

"ARTICLE X.

Board of Directors.

"Section 1. It shall be the duty of the Board of Directors to determine all cases that may be referred to them by the President. All cases that may be referred to the Board of Directors by the President shall be determined by that body in accordance with the Constitution and By-Laws.

"Sec. 2. When an officer of this Association, in the opinion of the Board of Directors, becomes ineligible from any cause to hold the office, the Board shall declare the office vacant and fill the same.

"Sec. 3. It shall be the duty of the Directors to receive and determine all charges preferred by one association against another; they can for just cause, arraign a member of their own board, and expel him by a majority vote; and they shall take immediate cognizance of all irregularities occurring in any of the districts. Any association or person feeling aggrieved by any decision of the board may appeal to the next convention of this Association. Any person feeling aggrieved by the action of a local association may appeal to the Board of Directors, or to a convention, but previous to doing so he must appeal to the local association.

"Sec. 4. The Board of Directors shall have the power, when they deem it necessary, to increase or reduce the amount of assessments.

"Sec. 5. Any employer having a foul shop on becoming a journeyman and applying for a card to any local association, his case shall be referred to the Board of Directors. 433

"Sec. 6. It shall be the special duty of the directors to look after the shops not under our jurisdiction. They shall use all the means in their power to bring such shops into the trade, and they shall assist the local officers when trouble of a serious nature may occur in any of the districts.

"Sec. 7. At any time the welfare of the trade may demand it, the Board of Directors shall have full power to make such laws or amendments to existing laws, as will meet the wants of the occasion. Such laws, however and amendments, must be ratified by two thirds of the vote of the districts in the following manner before they shall go into effect; local associations shall be entitled to one vote for every ten men or majority fraction thereof. The standard of membership shall be the figures given in the last semi-annual report. 434

"Sec. 8. Any person not a member of this Association, in sending his case to the Board of Directors, or to a convention, shall deposit twenty five dollars with the National Secretary before any action is taken. If no card is granted, or if no fine or initiation fee is imposed, or the terms are not accepted by the applicant, twenty dollars shall be returned to him. No conditional traveling cards shall be granted to applicants for membership in this Association pending the action of the Board of Directors. 435

"Sec. 9. The Board of Directors shall have power at any time to make a shop fair when, in their judgment, it is for the best interests of the Association where such shops shall be, and all fines imposed by them shall go to the district where such shop is made fair. 436

"Sec. 10. Members of the Board of Directors or local Secretaries shall not be appointed on the Finance Committee.

"Sec. 11. Any member of the Board of Directors may issue a call for a meeting of said Board upon the written request of five members thereof.

437

"ARTICLE XI.

"Section 1. Any boy apprenticing himself to the hatting trade, may with the consent of the local association, work by the week on such terms as may be agreed upon between the local association and the employer, excepting that apprentices shall not be permitted to work by the hour, day or week at anything the nature of which is such that a piece price may be set upon it; and in no case (when working by the piece) shall he work for less than a journeyman. A boy must finish his apprenticeship with his first employer, if possible. He shall not leave the district wherein he is registered unless the officers of the local association are satisfied that it is impossible for him to get employment therein.

"By receiving a certificate to that effect, signed by the local officers and countersigned by the National President and Secretary, he may go to any other district. Any employer discharging an apprentice for an unjustifiable cause shall not be allowed to take another apprentice until such boy's term of apprenticeship expires, unless by consent of the local association. When a boy has served a regular apprenticeship, he shall receive his traveling card from the National Secretary through the local secretary of his district, but in no case shall a local secretary give a boy his check before receiving his traveling card from the National Secretary.

"Under no circumstances shall the National Secretary give a boy his card until he has served his apprenticeship in accordance with the dates furnished by the local secretaries at the time of the boy's registration.

"Sec. 2. To constitute a journeyman, a boy shall be required to serve a regular apprenticeship of at least three consecutive years in a fair shop, and in all cases until he is twenty-one years of age.

"Sec. 3. Any boy registered in our Association who may go foul and afterwards receive a card from any local association shall be subject to such penalties as the Board of Directors may impose on him, independent of any consideration given the local association for such card. It shall be the duty of local secretaries where such cases may occur to notify the National Secretary of the same.

Failing to do so, they shall be liable to be fined by the Board of Directors. 441

"Sec. 4. Any apprentice having received a national clearance in the proper manner, shall have a right to go to work in any shop in any other district where he may be able to procure employment, provided the officers of the local association of said district give their consent.

"Sec. 5. All apprentices registered for finishing can be used by the employer for the first twelve months at any of the minor branches, such as soft hat curling or ironing machines or plating, the second year at flanging, but in all cases must their last year at the bench. They shall go under instructions for three months, and during that period their time shall be spent solely in the service of the instructor, and they shall be paid by him. 442

"Sec. 6. All apprentices registered for the making department, after being instructed, shall continue for the space of nine months at sizing, then six months at blocking, then six months at stiffening. After this space of time the employer can put him at any branch of the business in which he may require his services.

"Sec. 7. In factories employing more than one (1) apprentice all apprentices shall have equal opportunity; and where employed on machines each shall do his proportionate share. 443

"Sec. 8. Apprentices shall be distributed throughout the various departments of a factory in proportion to the number of men employed in each department. Apprentices shall not pay more than ten per cent. of their earnings as bench money.

"ARTICLE XII.

"Shop Call. 444

"In order to do away with unnecessary "shop calls" which are not productive of any good, either to the employer or employed, we enact the following: It shall be the duty of the members working in all shops which are under the jurisdiction of this Association to select a committee in each shop of three or five, as the number of members in the shop will permit, who shall have power to settle all matters except that of prices, and their decision shall stand unless reversed by the Trade or Vigilance

445 Committee. Their term of office shall be the same as the steward's, and all vacancies shall be filled by them. Should a question arise, however, which they may not feel competent to decide, they may convene the members in the shop to act on the same.

"ARTICLE XIII

"Local Executive Board.

"Section 1. The President, vice-president, secretary and treasurer of each local association connected with this
446 Association shall constitute and be styled the local executive board. Should there be more than one local association in the same locality the above-named officer of each local association shall constitute the local executive board.

"Sec. 2. The label shall not be removed from any factory under the jurisdiction of the United Hatters of North America without the consent of the General Executive Board.

"Sec. 3. It shall be the duty of the local executive board to see that the laws of this Association are observed in their respective localities."

447 Mr. Merritt:

That is the Constitution. I will now read the By-Laws.

"BY-LAWS

"ARTICLE I.

"Members to Pay Assessments.

"Section 1. Each member of this Association shall pay one per cent. of his wages to the shop steward before noon of the first Monday after each payday.

448 "Sec. 2. One-half of the above-mentioned one per cent. shall be placed in a separate fund to be known as a reserve fund, and shall not be used for any purpose other than strikes, look-outs or placing men on the road to agitate for the label of this Association.

"Sec. 3. Any member neglecting or refusing to pay the one per cent. assessment on his wages within the specified time to the shop steward, or the local secretary, shall be suspended, and he shall not be reinstated until he has paid his percentage in full.

"Sec. 4. Any member of this Association holding in 449
an independent shop, who shall refuse or neglect to pay the local secretary of the district in which he is working the one per cent. assessment on the wages, shall be suspended and forfeit all privileges as a member of the national and local unions, and before he is reinstated he shall pay all arrears due on the one per cent. assessment, which shall be based upon an earning power of eighteen dollars per week, as well as all other dues and assessments which he may owe to the local union.

450

"ARTICLE II.

"Duties of Shop Stewards.

"Section 1. It shall be the duty of the shop steward to collect the assessment, at or before noon of the first Monday after each pay day, and pay over to local secretary the amount collected; and the shop steward shall receive ten per cent. of the amount collected by him as compensation for loss of time in the performance of such duties.

"Sec. 2. Any shop steward who shall refuse or neg- 451
lect to collect the assessment from the members of his shop's crew within the specified time shall be fined five dollars. The fine shall be collected by the local secretary and forwarded to the National Secretary.

"Sec. 3. Each shop steward shall keep a list of the members employed in his shop and the amount of wages earned by them; he shall present the same to the local secretary at each payment of the assessment, and shall take a receipt from the local secretary for the amount paid.

"Sec. 4. When any shop steward shall fail to pay to 452
the local secretary the money which he has collected within the specified time as laid down in section one of this article, he shall be removed from office by the local secretary, and shall be suspended from membership, and shall not be reinstated until he has settled his indebtedness in full.

"Sec. 5. The steward of each shop shall be appointed by the shop's crew, but all appointments must meet with the approval of the local officers.

453

"ARTICLE III.

"Going on Turn."

Mr. Merritt:

The expression "On Turn" as appears in the By-Laws I will explain in this way,—if you will correct me, Mr. Beach: A journeyman going into a shop and offering himself for work, one of his brethren reports him to the foreman or steward, whoever has charge, for employment, and that is said to be "going on turn."

454 Mr. Beach:

That is they are given in the order in which they present themselves.

Mr. Merritt:

Yes.

"Section 1. A journeyman may go on turn with his traveling card, but it shall be his duty to deposit such card with the local secretary, a local check to be received in exchange, and in all cases to be exhibited to the journeyman who has taken him on turn, and to be used only when working in such local trade jurisdiction. Members who
455 fail to deposit their cards shall pay a fine of ten dollars to the local association where they may work.

"Sec. 2. Any member of this Association who shall use any secret or undue influence to bear upon any employer or superintendent in order to obtain employment instead of going on turn in the manner prescribed by our laws, shall, upon conviction by the Board of Directors be fined twenty-five dollars.

"Sec. 3. Any foreman who shall shop any person upon the recommendation of an employer or superintendent, or in any manner other than that laid down by our
456 laws, shall, upon conviction by the Board of Directors, be fined twenty-five dollars for each offense.

"Sec. 4. The fact of a person leaving a district with a clear traveling card shall not exempt him from punishment for an offense committed prior to his leaving it. He must return and stand his trial should he be notified to do so by the secretary of the association in whose jurisdiction the offense was committed. Witnesses working or residing in other districts shall also attend when similarly notified. Persons who refuse to comply with the fore-

going shall be fined in a sum not more than twenty-five dollars by the association whose notice was not obeyed. If the person on trial should be acquitted, his expenses and loss of time shall be paid by the association making the charges. 457

"The same association shall pay the witnesses for their loss of time and expenses, whether the accused be acquitted or not.

"Sec. 5. Non-membership in a local association shall not exempt any person from punishment for an offense committed in a district other than the one in which he may be working.

"Sec. 6. Persons who may come into a district other than the one in which they belong, and violate any law of said district, or act in a disorderly manner at any of its meetings, shall be liable to punishment the same as if they were members of it. 458

"ARTICLE IV.

"Difficulties to be reported to the President.

"Sec. 1. It shall be the duty of all local associations to report all their difficulties with other local associations to the National President. 459

"Sec. 2. It shall be the duty of all local associations to report all matters pertaining to the welfare of the Association to the National President.

"ARTICLE V.

"Shops to regulate their own Prices.

"Sec. 1. Each shop shall regulate its own prices with the consent of the local executive board, and any shop entering into an agreement in relation to prices, the shop or trade shall not have power to annul said agreement until the time shall have expired for which it was made, provided that the firm with which such agreement has been made shall live up to the same. 460

"Bills of prices shall not be made for less than one year nor more than the same period, either by national or local boards.

461 "ARTICLE VI.

"Duties of Local Secretaries."

"Sec. 1. It shall be the duty of the local secretary to receive national dues from shop stewards on or before the Wednesday after each pay day, and forward them to National Secretary by money order or check on or before the second Monday of each month. The local secretary shall send to the National Treasurer a statement of the amount of money sent by him to the National Secretary.

462 "Sec. 2. Local secretaries shall forward to the National Secretary on or before the first Monday of December and June of each year the number of members on their roll at that date, and for such services the local secretaries shall receive ten per cent. of the money received from shop stewards on the national assessment only.

"Sec. 3. The local secretaries shall from time to time examine the books of shop stewards. They shall also forward to the National Secretary the name, age, date of registry, and names of employers of all apprentices
463 within one week after the date or registration. They shall apply to the National Secretary for cards for apprentices within one week of the expiration of their terms of apprenticeship. They shall furnish the name, age, date and cause of death of all deceased members to the National Secretary. For neglect of the provisions of this article the local secretaries may be removed from office by the General Executive Board.

"Sec. 4. Any local secretary who shall retain any of the money paid him by shop stewards or members for the one per cent assessment, or shall abscond or embezzle
464 any of the national dues, shall be expelled from the national and local unions. The National President and Secretary, or such other officers as the Nations Board of Directors may designate, shall take such steps as may be required to recover the money.

"ARTICLE VII.

"Weekly Men.

"Sec. 1. All men working by the week shall comply with trade rules. Twenty dollars per week shall be the

minimum price for weekly men working in shops or under the jurisdiction of the United Hatters of North America. Before any man can agree to take less than twenty dollars per week, he must first get the consent of the local executive board. 465

"Sec. 2. Members of the United Hatters of North America shall not work more than fifty hours per week, the same to be nine hours per day for the first five days of the week, and five hours on Saturday. Local officers shall have power to make provisions to meet cases of emergency. The emergency clause shall only be operative on Saturdays. 466

"Sec. 3. Members of this Association shall not perform any work between the hours of 12 M., and 1 P. M.

"Sec. 4. Members of this Association shall not work by the day, by the week or by the hours at anything the nature of which is such that a price may be set upon it.

"ARTICLE VIII.

"Copies of Laws, etc. to be sent to Local Associations.

"Copies of all laws passed by this association affecting the interests of the local association, notice of all assessments made, the appointment of delegates and abstracts of the general result of elections, shall be sent to all associations working under its jurisdiction. 467

"ARTICLE IX.

"Local Associations have power in cases of foul shops.

"Sec. 1. Any local association shall have power to try and determine in cases of foul shops applying to be made fair in their localities; but in no case shall they grant cards to any man or men not actually working in the district at the time such cards are applied for. Any person applying to a local association for a card must show that he has a claim on the trade before action can be taken on his application. 468

"Sec. 2. When a local association shall consolidate with the foul men in their district, or give cards to a shop's crew of foul men, it shall be the duty of the secretary of

said association to transmit a list of their names to all other local associations; and if any of the latter have a claim against one or more of the parties named, they shall have a right to fine the party or parties who may have offended against them. Fines may be reduced in such cases by the Board of Directors, if in their Judgment, they are exorbitant. Said fines to be collected in the manner hereinafter provided.

"Sec. 3. We consider any journeyman as foul who has superintended or instructed convicts, or who has worked on a prison hat contract in any capacity, clerical or otherwise, but in times of great emergency their cases may be considered by the Board of Directors, and it shall take a two-third vote of the board to give them cards. Under no circumstances shall any of our members work with or for such men, unless permitted to do so by a two-third vote of the Board of Directors. Provided, however, that the cases of such men must always be referred to the board by the local asociation where the case may be.

"ARTICLE X.

"Fines must be collected and forwarded to proper parties.

"Whenever a fine is standing against any person, taken in for having previously committed an offense against a local association, under the provisions of Article IX of the By-Laws, it shall be collected by the association granting the card and forwarded to the association imposing the fine.

"ARTICLE XI.

"Members must pay their Fines.

"Any member of any local association who shall be fined for non-compliance with trade rules, shall upon receiving a local check in another local association, pay the sum to the secretary of the local trade in which the member may be, in weekly instalments of ten per cent., of his earnings, while at work; and it shall be the duty of said secretary to collect and forward the said fine to the association by which it was imposed, and for neglecting to do so he shall pay a fine of ten dollars to the National Association.

"ARTICLE XII. 473

"Fair Men to be Recognized.

"All fair hatters shall be recognized by their respective local associations. Any local association that shall refuse to obey this law shall be subject to suspension by the Executive Board of this Association.

"ARTICLE XIII.

"Conditional Checks Prohibited.

"Local secretaries shall on no condition grant conditional checks to members coming from other districts 474
without their traveling cards.

"ARTICLE XIV.

"Violation of laws forfeits Protection.

"Sec. 1. Local associations working in violation of these laws shall forfeit all claims to their protection, and shall be suspended by the National Executive Board.

"Sec. 2. Should any local association withdraw from 475
this association, or be suspended, it shall be the duty of the National Executive Board to proceed to the locality and form an association under the jurisdiction of this Association.

"ARTICLE XV.

"Members to Join Local Associations.

"All local secretaries shall inform members working in their vicinity where there is no organization that they shall become members of their association until they have the required number to form an organization of their own.

476

"ARTICLE XVI.

"Apprentices—Allowance to each shop.

"All shops under our jurisdiction shall be allowed apprentices in the following manner: Shops employing ten men or more shall be entitled to one boy for every ten men. The average number of men employed during the year shall always be taken into consideration. This law shall not apply to boys holding national clearances.

477

"ARTICLE XVII.

"Local Associations to print Constitutions.

"Local Associations under the jurisdiction of this Association shall have this Constitution and these By-Laws printed in conjunction with their local laws, and adopt them in conformity therewith.

"ARTICLE XVIII.

478 "Local Associations must affiliate with Central Labor Unions.

"Sec. 1. All local associations are instructed to become connected, as soon as possible, with the central labor unions, A. F. of L. organizations, trade assemblies or other central labor organizations in their respective localities.

"Sec. 2. One-half of the per capita tax or monthly dues levied by said central bodies shall be paid by the National Association.

"ARTICLE XIX.

"Arbitration.

479 "Sec. 1. In cases where a shop's crew cannot agree with their employer, the disputed points shall be referred to arbitration, in which each side shall have an equal representation, and in case the arbitrators cannot agree a disinterested party agreeable to both sides shall be called in, and his decision shall be binding and final on both sides.

"Sec. 2. If a shop demands an increase in prices and the employer gives them their demand, and then after a short time discharges them and puts forward a new bill no fair journeyman shall go to work in said shop, unless as provided for in Section 1 of this article.

480 "Sec. 3. When a dispute occurs in connection with prices between employer and employee, either by a proposed reduction or increase, the members shall remain at work at the old prices until the dispute is settled by arbitration. No local association or shop shall declare a turnout without the consent of the Executive Board.

"Sec. 4. Any member or members who shall violate the provisions of Section 3 of Article XIX, directly or indirectly, shall, upon conviction by the Board of Directors, be fined ten dollars for each offence.

"Sec. 5. A dispute shall be settled inside of ten days.

"Sec. 6. No employer shall be allowed to sit on the 481
Arbitration Commimttee who receives work from or weighs out work to the employer who has the dispute, and so journeymen working in a shop where the dispute occurs shall serve on the committee.

"Sec. 7. If any party or parties violate the terms of this Article, they shall be denied the benefits of this system of arbitration.

"Sec. 8. The aforesaid system of arbitration shall not apply to any district so long as the manufacturers do not live up to its provisions.

482

"ARTICLE XX.

"Foreign Cards, Books, etc.

"Sec. 1. All men coming from Germany, France, Denmark, Norway, Sweden, Great Britain and Ireland, or other foreign countries, must bring a book or traveling card or other vouchers from a hatters' association in their respective countries stating that they are hatters, or else they will not be recognized nor admitted to membership in this Association.

"Sec. 2. Local secretaries must not give cards to foreigners. The National Secretary is alone authorized to do so. 483

"Sec. 3. If, at any time, it can be proven that any foreign card, book or other voucher presented has been procured by fraud, or that it had been granted to a person who had not worked at the trade in the country from whence he came, or who had only worked at it during a turnout in that country, the National Secretary shall have power to recall the card of this Association.

"Sec. 4. All hatters from foreign countries must deposit their credentials with this association within three months after their arrival in this country, or they shall not be admitted to membership.

"Sec. 5. All expenses incurred in the translation or 484
verification of any foreign card, book, voucher, or credential shall be borne by the person presenting the same.

"ARTICLE XXI.

"Apprentices must leave Foul Shop.

"Sec. 1. When a shop goes foul the local association may use its own judgment in relation to the apprentices in said shop.

485 "Sec. 2. Any apprentice refusing, when ordered by the local association or its officers to leave a foul shop (where he may have been allowed to remain in accordance with the preceding section) shall be liable to such penalty or fine as the local association may choose to inflict.

"ARTICLE XXII.

"Non-recognition of Silk Hatters.

"No man who has worked at silk hatting since June 11, 1868, shall be recognized by our Association unless he holds at
486 this date, May 11, 1903, the regular traveling card of this Association.

"ARTICLE XXIII.

"Borrowed Money to be returned.

"When money is borrowed by members from a local association the amount shall be collected according to the terms on which it was loaned, the local secretaries who shall neglect to enforce this resolution shall be fined five dollars by the Board of Directors.

"ARTICLE XXIV.

487 "Defaulting Officers, Stewards, etc.

"Sec. 1. When any shop steward shall fail to pay the one per cent. assessment within the specified time, the local secretary shall suspend him and notify the local officers to elect another steward. He shall inform the union of the offence and collect the fine imposed by it before reinstating the steward guilty of neglect to membership in the union.

"Sec. 2. Any shop steward who shall retain any of the money paid to him by the shop's crew on the one per cent. assessment or shall abscond or embezzle the full amount, shall be expelled from the national and local unions. The
488 President and Secretary or such other officers of the district shall take such steps as may be required to recover the money.

"Sec. 3. When any local officer or steward has defaulted to the association, the association shall have the power to place the amount of defalcation, and any additional penalty, upon his card whenever he leaves the district. Upon going to work in any other locality the secretary of the local association shall collect ten per cent of his earnings while at work, and remit the same to the association to which the money is due.

489

"ARTICLE XXV.

"Traveling Cards.

"Sec. 1. Traveling cards shall be issued by the Secretary of this association. Each card shall be numbered. Cards must not be used by persons other than those to whom they were issued.

"Sec. 2. Any member of this Association who shall hold a traveling card for thirty days and over shall pay to the local Secretary with whom he may deposit it the sum of twenty-five cents for every month the card was held. The 490
local secretary shall forward the amount to the National Secretary.

"Sec. 3. Any member losing his traveling card he shall notify the local secretary who issued it to him, and he shall receive a new one.

"Sec. 4. Any member of the trade working in an independent shop, and having a traveling card in his possession, who neglects or refuses to pay the one per cent. assessment, shall pay eighteen cents a week assessment for each and every week he has neglected or refused to pay, and also all dues and assessments due to the local union of the district in 491
which the shop was located, before he is reinstated as a member of the union.

"Sec. 5. Any member who shall use a traveling card or local check other than his own, for the purpose of getting shopped, upon conviction of the offence shall be suspended and he shall pay a fine of ten dollars before he is reinstated. The fine shall be retained by the local association.

"ARTICLE XXVI.

"Members.

492

"Sec. 1. No person shall be considered fair who works in a shop not under the jurisdiction of this or of any local association, except with the consent of the local association.

"Sec. 2. Where there is one and not more than nine fair journeymen working in a shop or shops far distant from any local association, he or they shall become members of this Association, by making application to the Secretary. Any party or parties failing to comply with the foregoing shall be subject to such penalty as the Board of Directors may impose.

493 "Sec. 3. No members of our Association shall work foul at "Wool Hatting," nor at any other industry, and the cases of parties so offending shall be tried by the local association.

"Sec. 4. Members of this Association shall not be held responsible nor pay for streaks or grease dags in hat bodies.

"Sec. 5. No member of this Association working at machine sizing shall be permitted to pin up any hats sized on the machine with the aid of any kind of glove other than pinning the water out, under penalty of ten dollars. But this shall not apply to second sizing which shall be paid for extra. Sizing hats in color strictly prohibited.

494 "Sec. 6. Any member of this Association who shall sell or offer for sale non-union hats, shall forfeit all rights in this association, and shall not regain them until such time as he shall pay any penalty that the local association, if he be holding a local check, and the executive board, if he is in possession of traveling card, may inflict. On repetition of the offence he shall be declared foul, and his card shall be taken from him. This shall not apply to retailers.

"Sec. 7. Any member of this Association who may belong to any "shop benevolent association," who have members other than members of the United Hatters of North America,

495 shall forfeit his membership in this Association should he be convicted of the same by the local association to which he may belong at the time.

"Sec. 8. Any member of this Association who has committed a foul act and who may be reinstated after this date, shall not be allowed to hold the position of foreman or superintendent of any factory under the jurisdiction of this association.

"Sec. 9. Members of the United Hatters of North America shall not be allowed to act as foremen in any department and do a journeyman's work besides. This shall not

496 apply to shops where there is only one forming machine.

"ARTICLE XXVII.

"Charges on Traveling Cards.

"Section 1. Local secretaries shall not charge on the traveling cards of their members any monies except fines and sums loaned by their associations except as provided for in Article XXIII.

"Sec. 2. When such fines or sums shall be placed on a traveling card the district collecting them shall receive ten per cent. of the amount collected, one-half to go to the Steward. 497

"ARTICLE XXVIII.

"Death Benefit.

"Section 1. In the event of a member's decease while holding a traveling card in his possession the expenses of his burial shall be defrayed by the National Association, provided he was not three months in arrears at the time of his death. 498 In no case shall the burial expenses exceed $100.00.

"Sec. 2. To entitle a member to the National Death Benefit he shall while holding the traveling card, pay twenty-cents a month to the local or national secretary.

"Sec. 3. Should any member become three months in arrears he shall not be entitled to such benefits until one month after such arrears have been paid.

"Sec. 4. If the deceased has no friends or relatives, the President and Secretary of the local association shall attend to the burial.

"Sec. 5. In the event of the death of a member the 499 local association who may be in arrears to the National Association the amount of arrearance shall be deducted from the local death benefit, and forwarded by the local Secretary to the National Secretary inside of thirty days, after the death of deceased.

"Sec. 6. Local death benefits shall not be paid until it has been first ascertained if the deceased was in good standing in the National Association at the time of his decease.

"Sec. 7. If a Local Secretary shall neglect to comply with the provisions of Secs. 4 and 5 of this Article the local association shall be held responsible for the amount that may have been due by the deceased member. 500

"ARTICLE XXIX.

"Constitution and By-Laws may be Amended.

"No part of this constitution or these By-Laws or Labor Laws shall be altered or amended unless by a majority vote of the members present of this association, except as provided for in Section 7 of Article X of the Constitution."

4! 501

"STANDING RESOLUTIONS.

"No. 1. That we have heard with regret that, in times past, local associations have interfered with the rights of others; therefore we call upon the officers and directors of this Association, in the event of a recurrence, to take active measures to secure them all their rights—both local and general.

"No. 2. It shall be the duty of all members of our trade to assist and instruct brother members who are not proficient
4! 502 in the branch at which they desire to work, and to teach them any branch of the trade at which there may be a scarcity of help.

"No. 3. No member or members of this Association shall form a separate trade organization, and if any should they will be liable to be punished by the Board of Directors.

"No. 4. That we request local associations in future not to instruct their delegates to vote as a unit on any question, as we consider such action wrong in principle and injurious in its effects.

"No. 5. That we urgently recommend to the local asso-
4! 503 ciations the necessity of organizing Trimmers' Associations in their respective districts.

"No. 6. That the local associations that have not as yet adopted the percentage system of collecting dues and assessments shall, inside of three months from date, consider the advisability of adopting it; and we would recommend to local associations that they adopt the system, as we believe it to be the most equitable and easy manner of defraying the expenses of the local associations.

"No. 7. No secretary, either national or local, shall comply with the request of a manufacturer from another district to furnish him with a man or men to work at any branch
4! 504 of the business without first ascertaining if it is a case of necessity.

"No. 8. Foremen interfering with shops' crews when making bills of prices, unless called upon by the firm to do so, shall pay a fine of fifty dollars.

"No. 9. The delegates and alternates to the A. F. of L. convention from the United Hatters of North America, shall be elected by a referendum vote of the general membership; nominations to be filed with national secretary not later than July 1st of each year, in order that the election may take

place in the month of August. The place where the different meetings of the local associations, held for this purpose, and the time of such meetings to be the time and place for the taking of such vote. 505

"Among the three elected at the election of 1903, the one receiving the highest number of votes shall attend for three sessions, the one receiving the next highest number of votes two sessions, and the one the next highest number of votes shall attend one session. Elections shall be held each year for one delegate and to fill any vacancy that may occur in the delegation.

"No. 10. Any member or members of this Association charged with aiding or abetting members of this Association in disrupting the National Association shall be tried by the Board of Directors, and, if found guilty, shall be suspended from membership. 506

"LABEL LAWS

"No. 1. No factories, other than those working under the jurisdiction of the United Hatters of North America, shall be entitled to the use of the label.

"No. 2. Any manufacturer using hats, any part of which was made in a foul shop, shall not be entitled to the use of the label. 507

"No. 3. Where hats are sent out in the rough the label steward of the shop where the hats are made shall furnish a voucher stating the number of hats, whether soft or stiff; also quality and color. He shall place the same in a voucher envelope, seal it, and address it to the label steward of the factory where the hats are to be finished, said voucher shall be placed in the case or package with the hats.

"No labels shall be given for hats coming into a factory in the rough unless the case or package containing them was first opened in the presence of the label steward of said shop, who shall examine the accompanying voucher and if he finds it to be correct shall countersign the same and forward it to the label secretary of the district. A duplicate of said voucher shall be sent from the factory where the hats are made to the label secretary of the district where the hats are sent. 508

"No. 4. The label steward of the finishing room shall have full charge of the distribution of the labels. In districts where the trimmers are organized he shall give to the journeymen the number of labels necessary for each weighout, to be

509 sent in an envelope with the hats to the trimming room. In districts where the trimmers are not organized, the journeymen shall, upon finishing a weighout, stick the labels in the hats. A record shall be kept of each day's work by the label steward, and he shall report the same to the label secretary.

"No. 5. Books and report blanks for the use of the label secretaries and the shop stewards; also books of blank vouchers for hats sent out in the rough, and anything else that may be required to prevent abuses in the use of the label, shall be furnished by this Association.

"No. 6. The label must be sewed in all hats, so that
510 it cannot be taken out without destroying the label.

"No. 7. Labels shall be kept in a box under lock and key, and this Association shall furnish the boxes when necessary.

"No. 8. Local secretaries shall send the names and addresses of the local label secretaries to the National Secretary, and he shall send them to the local secretaries, and they shall send them to the shop stewards in the shops where hats are sent out in the rough.

"No. 9. Local label secretaries shall keep a record of the labels weighed out by them to the shop stewards, and they shall make a quarterly report to the National Secretary
511 of the labels received and distributed.

"No. 10. No label voucher shall be recognized after forty days from date of issue.

"No. 11. It shall be the duty of the joint local board to look after the interests of the label in their respective districts.

"No. 12. Any manufacturer who may violate any of the label laws shall be deprived of the use of the label for thirty days for the first offense.

"No. 13. When any violation of the label law is reported to the President he shall appoint some person to make an investigation. The person appointed shall report the result of
512 his investigation to the President without any unnecessary delay.

"No. 14. Shops which do not employ at least one member of this Association, who is in good standing, shall not be entitled to the use of the label.

"No. 15. No labels shall be given to any manufacturer nor shall any manufacturer be allowed to continue to use the union label who shall run a factory that is not fair.

"No. 16. No manfacturer shall be allowed the use of the label that has a plankshop and buys his stumps in one shop and

has them shaved, second sized, stiffened and blocked in his own shop. 513

"No. 17. No manufacturer shall be allowed the use of the union label who has a plankshop and buys hats in the rough.

"No. 18. All members of this Association having anything to do with the passing of hats after they are finished, shall destroy all labels that may be found in rejected hats that will be sold to buyers of 'knockdowns.'

"No. 19. No label voucher shall be given to a jobber of hats in the rough."

The Court: 514

We will take a recess of fifteen minutes.

Recess.

The Court:

Have you any more to read?

Mr. Merritt:

Yes, Your Honor, "Exhibit No. 10," "Constitution and By-Laws of Union No. 11, United Hatters of North America, District of Danbury, Conn."

Mr. Merritt:

I wonder if the jury understand that the constitution and by-laws which we have been reading was a constitution and by-laws of the United Hatters of North America which is the National. Now in addition to that each one of these locals has a constitution of its own, and we are going to read from one of them as an illustration of the laws and constitution under which local bodies exist. 515

"CONSTITUTION.

"ARTICLE I.

"Association.

"Sec. 1. This Association shall be known as Union No. 11, United Hatters of North America, of the District of Danbury, Conn. 516

"Sec. 2. This Association shall have jurisdiction over that part of the trade defined as finishing in the Constitution of the United Hatters of North America, in the Towns of Danbury and New Milford, Conn., and Newburgh, N. Y., and any other places that may be hereafter annexed.

"Sec. 3. The elective officers shall consist of a President, Vice-President, Secretary-Treasurer, Board of Trustees, Finance Committee, and Sergeant-at-Arms.

517 "Sec. 4. The appointive officers shall consist of an Arbitration Committee, Vigilance Committee, and all such other committees as may be appointed from time to time by the President.

"ARTICLE II.

"Elections.

"Sec. 1. The elective officers of this Association shall be elected for the term of one year, and be voted for with written or printed ballots.

"Sec. 2. The nomination for officers of this Association
518 shall be made at the regular meeting in December of each year.

"Sec. 3. No member of this association shall be considered a legal nominee for, nor eligible to any office in the Association, nor as a delegate to any convention from this Association, unless present at and in good standing financially and otherwise at the time of his election.

"Sec. 4. The election of officers shall take place at the first regular meeting in January, and the candidates for each office shall be balloted for separately, and a plurality of all legal votes cast shall constitute a choice.

"Sec. 5. The President shall appoint a judge and tellers
519 to superintend the election, who are not candidates for any office.

"Sec. 6. When a vacancy occurs in an elective office by death, resignation, or otherwise, the President shall appoint an officer to fill the vacancy until the next regular meeting, when the Association shall go into election to fill the vacancy; if the vacancy occur in an appointive office, the President shall appoint to fill for the balance of the term.

"ARTICLE III.

520 "Dues and Assessments.

"Sec. 1. Each member of this Association shall pay one percent. of his wages to the shop's steward before noon of the first Monday after each pay day. He shall show his envelope to the steward when paying his percentage.

"Sec. 2. Any member neglecting or refusing to pay the one per cent. assessment on his wages within the specified time to the shop's steward or Local Secretary shall be suspended, and he shall not be reinstated until he has paid his percentage in full.

"Sec. 3. Any member of this Association holding in an independent shop, who shall refuse or neglect to pay the Local Secretary of this District one per cent. assessment on his wages shall be suspended and forfeit all his privileges as a member of the National and Local Unions, and before he is re-instated he shall pay all arrears due on the one per cent. assessment, "which he based upon an earning power of $12.00 per week" as well as all other dues and assessments which he may owe to this Association. 521

"Sec. 4. All members having attained the age of sixty years and having been twenty-five years in good standing shall be exempt from all fines for violating any of the laws of this association. 522

"Sec. 5. This Association may make such assessments on its members as the interests of the trade may demand but any general assessment not specified in the constitution or by-laws shall require a two-thirds vote of all the members present.

"Sec. 6. No member shall be considered in good standing who is not in possession of the last semi-annual check.

"ARTICLE IV.

"Fund. 523

"Section 1. The money that shall be collected from time to time for dues, and otherwise, shall constitute a fund from which this association may draw for the advancement of the trade.

"Sec. 2. Under no circumstances whatever shall this association vote to draw from the funds for other purposes other than mentioned in Section 1, except by recommendation of the trustees and finance committee.

"ARTICLE V.

524

"Funeral Benefits.

"Section 1. When a member of this association shall die, his family shall be entitled to a funeral benefit of $100.00. In case of no family or friends the officers of this association shall attend to the burial; the surplus of benefit may be used to defray expenses during sickness.

"Sec. 2. There shall be an assessment of fifty cents levied on each member of the association to create a fund to pay the funeral benefits if found necessary.

525 "Sec. 3. All members except honorary members not working at the trade, shall pay one dollar ($1.00) per year to be entitled to the funeral benefit.

"Sec. 4. All men granted cards or re-instated into this association shall not be entitled to our funeral benefit until they have been members in good standing for one year.

"ARTICLE VI.

"Section 1. No man shall be considered a fair journeyman hatter who works in any shop in this district that is not
526 under the jurisdiction of this association except by the consent of the Trade or Vigilance Committee.

"ARTICLE VII.

"Power.

"Section 1. This Association shall have full power to reprimand, fine or otherwise punish any member who shall violate any of its laws or rules of trade.

"Sec. 2. Any fine imposed at a previous meeting shall not be modified, rescinded or remitted without a two-thirds
527 vote of all the members present at a meeting of which due notice shall be given to each shop that such action will be taken.

"ARTICLE VIII.

"Books.

"Section 1. The books of this association shall be open to all members in good standing for inspection at all regular meetings.

"BY-LAWS.

528

"ARTICLE I.

"Meetings.

"Section 1. Quarterly meetings shall be held on the first Wednesday in January, April, July and October, and a fine of twenty-five cents shall be imposed for non-attendance. Should the time herein specified be on a holiday the meeting shall take place on the succeeding Wednesday.

"Sec. 2. The hour of meeting shall be 8 p. m. sharp.

"Sec. 3. Twenty members, including an officer, shall constitute a quorum for the transaction of business at all meetings of this Association. 529

"Sec. 4. Special meetings may be called by the President at any time upon any occasion requiring such call, but there shall be at least twenty-four hours' notice given to the members of the holding of such meeting, except in case of a call of the Vigilance Committee upon very urgent business, which will require a notification of only three hours, and such meetings shall be subject to the rules of order of regular meetings.

"ARTICLE II. 530

"Duties of the President.

"Section 1. It shall be the duty of the President to preside at all meetings of this Association; to preserve order; to put all motions before the meeting, if duly seconded; to decide all questions of order; and shall in honor of his office be a member of all committees; he shall have power to fine or reprimand a member for disorderly conduct during the time of meeting; he shall at any time call the attention of the Association to such subjects as he may think worthy of their consideration; he shall approve all bills for payment; he shall sign all orders on 531 the Treasurer for such sums as may have been ordered by a vote of the Association, or that may be necessary for the payment of the benefits provided by these laws; in the absence of the Secretary he shall appoint one to serve during his absence; he shall appoint a Vigilance Committee in accordance with Article VII, Sec. 1, of the By-Laws, to consist of six members; he shall call special meetings at the request of the Vigilance Committee, and appoint all other committees not provided for in these laws; he shall have power to suspend any officer for negligence in the duties of his office.

"Sec. 2. For the faithful performance of his duties he shall receive the sum of one thousand dollars ($1,000.00) per annum, payable weekly. 532

"ARTICLE III.

"Duties of the Vice President.

"Section 1. It shall be the duty of the Vice-President to assist the President in the performance of his duties, and in his absence to act in his place; also to be chairman of the Vigilance Committee during the term of his office.

533

"ARTICLE IV.

"Duties of the Secretary-Treasurer.

"Section 1. It shall be the duty of the Secretary-Treasurer to keep a correct record of the proceeding of all meetings and business of this Association, financially and otherwise, committee meetings, etc., receive and answer all communications, to notify standing and other committees of their appointments; shall call all meetings whenever diercted to do so by the President, such call to be made through the medium of
534 the shops; shall read all communications and bills "received" at the next regular meeting of the Association, answer all correspondence as directed and act as Secretary of all committees.

"Sec. 2. He shall keep a correct account between this Association and its members, collect all moneys personally or through the stewards of the shops. Shall give a receipt for all moneys received from stewards and others. Shall receive and issue all traveling cards and local checks in accordance with the laws of the National and Local Associations. Shall keep a correct record of all registered apprentices and register the same in accordance with trade laws. He shall give a detailed
535 quarterly report of all moneys received and expended during the quarter.

"Sec. 3. The Secretary-Treasurer shall visit each shop in Danbury once a quarter, also outlying shops of this district when considered necessary in the interest of the trade. He shall be required to be at his office on Mondays, Wednesdays and Saturday evenings of each week from 7:30 to 9 p. m., for the purpose of transacting trade or Association business.

"Sec. 4. Before entering upon the duties of his office the Secretary-Treasurer shall give bonds covering the amount of money in the treasury, such bonds to be furnished by a Surety
536 Company and acceptable to the Trustees and Finance Committee. The expense shall be borne by this Association, and for the faithful performance of his duties he shall receive the sum of seven hundred and fifty dollars ($750.00) per annum, payable weekly on an order drawn upon the Treasury and signed by the President. He shall receive three dollars per day and expenses when called out of town on trade business.

"Sec. 5. The Secretary-Treasurer shall have charge of the funds of this Association, and deposit the same in saving banks in the name of this Association. He shall render a quar-

terly report of all moneys deposited and the name of the banks, with the amount of money deposited in each. 537

"ARTICLE V.

"Duties of the Trustees.

"Section 1. The Board of Trustees shall consist of the President, Vice-President, Secretary-Treasurer and two members of this Association, whose duty it shall be to hold in possession the investment and property of this Association.

"ARTICLE VI. 538

"Duties of the Finance Committee.

"Section 1. The Finance Committee shall consist of three members, who shall be elected on the night of the election of officers of this Association, and it shall be the duty of said Committee to countersign all accounts presented to them by the Secretary-Treasurer, if found correct.

"Sec. 2. It shall be the duty of the Finance Committee to examine the officers, reports and audit the books of the Association semi-annually and report the result at the following regular meeting of the Association. 539

"ARTICLE VII.

"Duties of the Vigilance Committee.

"Section 1. It shall be the duty of the Vigilance Committee to determine and settle any dispute (except prices), that may arise in any shop in this district that cannot be settled by the journeymen in the shop where such difficulty may exist, which decision shall be final, unless altered by a majority vote of the members present at the next regular meeting, upon appeal by the party or parties aggrieved, and all such trials shall 540 be in accordance with the spirit of the Constitution and By-Laws of this Association.

"Sec. 2. When a subject shall be laid before the committee that they may deem of sufficient importance, they may by a vote of a majority of the committee direct the President to call a special meeting of the Association.

"Sec. 3. The Secretary shall keep a correct record of the doings of the committee, and report the names of the absentees at the next regular meeting of the trade.

541 "Sec. 4. Any member of the committee neglecting to attend a meeting, after being appointed, shall be subject to a fine of one dollar, but the Association at a regular meeting may receive a reasonable excuse from the member for such neglect.

"Sec. 5. Any person feeling aggrieved by the decision of the committee, may appeal therefrom at the next regular meeting of the trade, and a majority vote may reverse any of its decisions or modify its acts.

"Sec. 6. Each member of the committee shall receive thirty cents (30c) per hour for his services.

542 "ARTICLE VIII.

"Arbitration.

"Section 1. Each shop to regulate its own bills of prices and methods of work in accordance with our By-Laws.

"Sec. 2. Bills of prices may be made for each season at stated times, to be agreed upon with the consent of the officers and stand for the season. But no bill shall be made in any manner until approved by the officers.

"Sec. 3. All disputes between employer and employees, which cannot be settled by them, to be submitted to arbitrators,
543 in the selection of whom each shall have an equal vote. The decision shall be final.

"Sec. 4. The Arbitration Committee shall consist of four employers and four journeymen. In case they cannot agree, they shall call in a disinterested person to decide the question.

"Sec. 5. Shop calls shall be prohibited in accordance with Article XII of the National Constitution.

"Sec. 6. The men to remain at work pending the settlement of any difficulty in accordance with the National By-Laws.

544 "ARTICLE IX.

"Duties of the Sergeant-at-Arms.

"Section 1. It shall be the duty of the Sergeant-at-Arms to prevent, as much as possible, all noises or disturbances caused by persons coming in, and to allow no person to leave the room prior to an adjournment, without permission of the President, and to admit no person who cannot be vouched for as being a member of the trade. He shall at all times execute the commands of the President. In consideration for his services he shall receive one dollar ($1.00) for each meeting.

545

"ARTICLE X.

"Surrender of Effects.

"It shall be incumbent on any officer of this Association whose term of office shall have expired, or whose office may have become vacant by resignation, or expulsion, to transfer to the President all books, moneys, or papers, that he may have in his possession belonging to the Association, within five days, and on neglecting or refusing to do so, he shall be subject to a fine, suspension, or expulsion, as the Association may deem proper.

546

"ARTICLE XI.

"Duties of Members.

"Section 1. It shall be the duty of every member of the Association to register his name in the trade register and receive a check from the Secretary. Said check to be renewed semi-annually.

"Sec. 2. There shall be a register check issued the first of January and July of each year, and no member shall be allowed to go to work who is not in possession of the regular check of the term, within thirty days thereof.

547

"Sec. 3. To be entitled to a register check a member must be free from all charges on the books of this Association of whatever kind, unless some special provision has been made in his case by the President and Secretary.

"Sec. 4. Any member who is in arrears to this Association for dues or assessments for six months or over shall not be entitled to a vote or voice in the meetings of this Association until said arrears are paid.

"Sec. 5. Any member who is in arrears for dues and assessments over thirty days after the issues of the semi-annual check, shall be considered in bad standing, and not entitled to the funeral benefit. His arrears must be paid to the legally authorized person for at least thirty days before he is in good standing again and entitled to the funeral benefit.

548

"Sec. 6. It shall be the duty of the Steward or each shop in this district to collect the dues and assessments and turn over the same with his receipt book to the Secretary on or before the following Wednesday after collections. Any Steward found deficient or refusing to turn over the same shall not

549 be allowed to go to work until he makes good the deficiency and places the same in the hands of the Secretary-Treasurer.

"For neglect of duty he shall be subject to a fine of five ($5) dollars.

"For his services he shall receive five per cent of all moneys collected by him.

"Sec. 7. The Steward of each shop shall receive all checks or traveling cards from journeymen on being shopped and to accept only checks of the term during which a journeyman may be shopped, and notify all journeymen shopped on traveling cards to have the same exchanged for a check within
550 twenty-four hours after being shopped.

"Sec. 8. Any person appointed on a committee for prices, or trade matters (to any employer) upon being discharged for so acting, the members of said shop shall cease work until such time as their employer shops back again the discharged member.

"Sec. 9. No journeyman shall engage to work by the week where a piece price can be arranged.

"Sec. 10. There shall be but one general forman in each department. He can have as many assistants as are required, but in no case shall these assistants do any work on which a
551 piece price has been made. They shall be governed by the same rules and regulations as the journeymen in the shop.

"Sec. 11. In any factory where the matrice system is in operation, there shall be at least one planer for each matrice operator.

"Sec. 12. It shall be the duty of every journeyman in forming contracts with employers for services to have inserted therein a clause declaring such contracts null and void at any time when the employer's shop shall be declared "foul" by vote of this Association, or by violation of the rules of the "trade."

"Sec. 13. Journeymen working in a fair shop without a
552 Steward, shall be subject to a fine by the trade.

"Sec. 14. No member of this Association shall work on the following legal holidays: Decoration Day, Fourth of July, Labor Day, Thanksgiving and Christmas.

"ARTICLE XII.

"Foreman or Assistant.

"Section 1. Any journeyman working by the week as a foreman, or at any branch of the trade, shall have the privileges

as a journeyman, and shall be required to "turn out" with his shop and perform all other duties of a journeyman. But in no case shall the foreman take part in a shop meeting unless requested to do so by a majority of the shop's crew. 553

"Sec. 2. The foreman shall shop and discharge all men. He and his assistants shall weigh out and pass all hats. Hats that have been passed once shall not be given back unless the labor to be performed on them is to be paid for.

"Sec. 3. It shall be the duty of the foreman to weigh out in such a manner that each journeyman shall in dull times have an equal share of the work. Non-compliance with this section shall subject the offender to a fine of not less than ten dollars for each offense. 554

"ARTICLE XIII.

"Going on Turn.

"Sec. 1. It shall be the duty of every journeyman before going on turn, to produce a proper register check, or traveling card, and to go on turn in person.

"Sec. 2. It shall be the duty of every journeyman, before taking a man on turn, to examine his check or traveling card, and ascertain that it is correct in every particular. 555

"Sec. 3. No journeyman shall refuse to take another on turn who shall produce a proper register check or traveling card, under a penalty of five dollars.

"Sec. 4. Any journeyman gunning for—

Mr. Davenport:

Gunning for,—what's that?

Mr. Beach:

I think a translation of that is, asking or soliciting for another's job from the foreman in the place of somebody whose regular turn it is. 556

Mr. Merritt:

"another" "jour" holding shop, or himself, shall be fined a sum not less than five dollars ($5.00).

"ARTICLE XIV.

"Crying Off.

"Section 1. It shall be the duty of a journeyman holding a shop to cry off from such shop before going on turn in another.

557 "Sec. 2. No journeyman shall go on turn in any shop while holding another, under a penalty of not less than five dollars ($5.00) fine.

"Sec. 3. When a journeyman cries off, and has work out, it shall be his duty to get up said work or make arrangements that will insure the getting up of the same.

"ARTICLE XV.

"Traveling Card.

"Section 1. All journeymen coming to work in this dis-
558 trict shall deposit their traveling card with the Secretary, receiving in exchange a local check, and said card to be returned upon a strict compliance with trade rules, on his desiring to leave the district.

"ARTICLE XVI.

"Honorary Members.

"Section 1. Any journeyman sixty years of age and who has been a member of the National Association in good standing for twenty-five years, may become an honorary member by a vote of this Association.

559 "Sec. 2. All honorary members of this Association are entitled to all the advantages and benefits of this Association and are exempt from fines for non-attendance at meetings.

"ARTICLE XVII.

"Turnouts.

"Section 1. No set of men shall turnout of any shop except in accordance with Article XIX of the By-Laws of the United Hatters of North America.

"Sec. 2. No man shall cry off from any shop that is on
560 a turnout without the consent of a majority of those in said shop.

"Sec. 3. Any journeyman who shall act as an informer, by singling out to the notice of the employer or foreman any one who may have originated or taken active part in such turnout or strike, shall be dealt with as the trade at a meeting may determine.

"Sec. 4. Any man working by the week or year, either as foreman or journeyman, shall be required to turn out with his shop, when so ordered by a majority of the trade.

561

"ARTICLE XVIII.

"Charges.

"Section 1. It shall be the duty of every journeyman who shall be cognizant of any palpable violation of these laws or the common rules of trade, by a member of this Association, to report the same to the President.

"Sec. 2. All charges made against a journeyman or shop crew must be specific, and made in writing within sixty days after the offense is committed, signed by the person or persons making the charge. The person or persons preferring said 562
charges must be present when the charge comes up for trial. A copy of the charges must be served on the party accused, at least three days before they come up for trial.

"Sec. 3. Any person preferring a malicious charge against a journeyman or shop shall be subject to such fine as this Association may think proper.

"Sec. 4. When a charge against a journeyman or shop is placed in the hands of the President, or any case or act that may come under the jurisdiction of this Association (or that of the National Association), if he deem it of sufficient import-
ance he shall place it in the hands of the Vigilance Committee; 563
if doubtful of its importance, he shall consult the Vice-President and Secretary.

"Sec. 5. Any charges against an officer of this Association for neglect of duty, must be made in writing at a regular meeting, when it will be determined by a two-thirds vote, of the justice of the charge, and the penalty thereof.

"Sec. 6. When a charge has been preferred against a journeyman, or shop, he or they, shall not be obliged to leave their work until such charge has been determined.

"ARTICLE XIX. 564

"Instructions.

"Section 1. Any journeyman feeling desirous of obtaining further instructions in the business can secure the same by the giving of time, which shall always be to a journeyman and not to an employer.

"Sec. 2. No journeyman working by the week shall be allowed to take an apprentice under instructions while there is a journeyman working by the piece in the shop.

565

"ARTICLE XX.

"Apprentices.

"Section 1. All apprentices shall be registered in accordance with the National Constitution and By-Laws, and no apprentice shall pay more than ten per cent of his earnings for bench money.

"Sec. 2. In order to become an apprentice all boys must furnish the Secretary with his age and a written request from the manufacturer for his registration.

566 "Sec. 3. All manufacturers registering apprentices shall enter into a written agreement with the officers of this Association in accordance with the Constitution and By-Laws of the National and Local Associations.

"Sec. 4. Every apprentice shall be under the control of the employer and foreman of the shop in which he works, subject to the rules of the National and Local Associations. In case he has any grievance he shall report same to the President and Vice-President who shall have power to settle the same with his employer, and in case they cannot agree it shall be settled by arbitration.

567 "Sec. 5. Any apprentice who may be discharged for a justifiable cause, through neglect of work or otherwise, shall forfeit all claim to the trade, and shall no longer be considered an apprentice thereof.

"Sec. 6. All shops starting in the future shall not be allowed to take any apprentices other than charity apprentices until they have been six months in business.

"ARTICLE XXI.

"Suspensions.

568 "Any member who violates any of the laws of this Association shall be suspended for a period of three months for the first offense.

"ARTICLE XXII.

"Employers.

"If any employer shall feel aggrieved by any of the laws or decisions of this Association, he is requested to confer with the officers.

569

"ARTICLE XXIII.

"Amendments.

"Section 1. No part of this Constitution or By-Laws shall be amended, suspended, or repealed, unless a resolution in writing be presented at a regular meeting, and accepted by a majority of the members present, and finally passed by a majority vote of the members present at the next regular meeting.

"Sec. 2. When any amendments to the laws are to be made, it shall be the duty of the Secretary to notify the members of the Association through the shops.

570

"ARTICLE XXIV.

"Laws to Go in Force.

"Section 1. This Constitution and By-Laws to go into effect July 1, 1901, and any previous law or laws shall be declared null and void.

"Sec. 2. The violation of any laws, or commission of any act relating to the government of the trade, not provided for in the Constitution or By-Laws, shall be referred directly to the Association, whose decision shall be binding and final.

571

Mr. Davenport:

(Who read the latter part of Exhibit No. 10.) Then follows "Rules Governing Bulletin Boards." Shall I read them.

Mr. Beach:

You might wait until we look into the matter and decide whether they are of sufficient importance to make it worth while.

Mr. Merritt:

I want to offer in evidence the Constitution of the United Hatters of North America for 1900. This is the one that was adopted at the 1900 Convention. Will you mark that.

572

(Marked Exhibit 12.)

Mr. Merritt:

This is the Constitution of the United Hatters for 1900 and I simply want to call your attention to one or two provisions. I don't know that they have always been the same. In Article X, Section 6. "It shall be the duty of the directors to look after the shops not under our jurisdiction. They shall use all the means in their power to bring such shops into the trade, and they shall assist the local officers when trouble of a serious

573 nature may occur in any of the districts." Then Section 9 of the same article: "The Board of Directors shall have power at any time to make a shop fair, when, in their judgment it is for the best interest of the association where such shop may be, and all fines imposed by them shall go to the district where such shop is made fair." And then these provisions under the head of "Standing Resolutions" which relate to the American Federation of Labor: "The delegates and alternates to the A. F. of L. Convention from the United Hatters of North America shall be elected by a referendum vote of the general membership; nominations to be filed with National Secretary not later
574 than July 1st of each year, in order that the elections may take place in the month of August. The place where the different meetings of the local associations held for this purpose, and the time of such meetings to be the time and place for the taking of such vote."

1:30 P. M. Afternoon Session.

Mr. Davenport:

I will offer in evidence, or have marked as "Exhibit for Identification"—

Mr. Beach:

Oh, offer it right in evidence; we will admit the identity
575 of it, if it bears the appearance of being authentic. We reserve the right of objection until they are called to the attention of the witness.

Mr. Davenport:

Very well. I offer the American Federationist for April, 1894, being Volume 1, No. 2. (Marked "Exhibit 13.")

I offer in evidence the American Federationist for the month of May, 1894, being Volume 1, No. 3. (Marked "Exhibit 14.")

American Federationist for the month of June, 1904, being Volume No. 4. (Marked "Exhibit 15.")

576 American Federationist for the month of July, 1904. (Marked "Exhibit 16.")

American Federationist for the month of October, 1894. (Marked "Exhibit 17.")

American Federationist for the month of December, 1894, being volume 1, No. 10. ("Exhibit 18.")

American Federationist for the month of March, 1895, being Volume 2, No. 1. ("Exhibit 19.")

American Federationist for the month of April, 1895, being Volume 2, No. 2. ("Exhibit 20.")

American Federationist for the month of May, 1895, being Volume 2, No. 3. ("Exhibit 21.") **577**

American Federationist for the month of July, 1895, being Volume 2, No. 5. ("Exhibit 22.")

American Federationist for December, 1895, being Volume 2, No. 10. ("Exhibit 23.")

American Federationist for the month of August, 1896, being Volume 3, No. 6. ("Exhibit 24.")

American Federationist for the month of February, 1897, being Volume 3, No. 12. ("Exhibit 25.")

American Federationist for the month of March, 1897, being Volume 4, No. 1. ("Exhibit 26.")

American Federationist for the month of November, 1897, being Volume 4, No. 9. ("Exhibit 27.") **578**

American Federationist for the month of February, 1898, being Vol. 4, No. 12. ("Exhibit 28.")

American Federationist for the month of May, 1898, being Volume 5, No. 3. ("Exhibit 29.")

American Federationist for the month of June, 1898, being Volume 5, No. 4. ("Exhibit 30.")

American Federationist for the month of April, 1899, being Volume 6, No. 2. ("Exhibit 31.")

American Federationist for the month of August, 1899, being Volume 6, No. 6. ("Exhibit 32.") **579**

American Federationist for the month of September, 1899, being Volume 6, No. 7. ("Exhibit 33.")

American Federationist, October, 1899, being Volume 6, No. 8. ("Exhibit 34.")

American Federationist for the month of November, being Vol. 6, No. 9. ("Exhibit 35.")

Now I offer in evidence Volume 7 of the American Federationist for the year 1900, being Volume 7, and containing bound together the Federationist for the months of that year from January to December, inclusive. ("Exhibit 36.") **580**

I offer in evidence the American Federationists for the year 1901, being Volume 8, and containing the American Federationist for the months of that year from January to December inclusive. ("Exhibit 37.")

I offer in evidence the American Federationists for the year 1902, being Volume 9, and containing the American Federationist for each month of that year from January to December, inclusive. ("Exhibit 38.")

581 I offer in evidence the American Federationist for the year 1903, Part 1, being the American Federationists for the months of that year from January to August, inclusive. ("Exhibit 39.")

I offer in evidence the American Federationists for the year 1903, being Part 2 of Volume 10, and containing the American Federationists for the months of September to December, inclusive, of that year. ("Exhibit 40.")

I offer in evidence the American Federationists for the year 1904, being Volume 11, Part 1, and containing American Federationists for each of the months of that year from Janu-
582 ary to July, inclusive. ("Exhibit 41.")

I offer in evidence the American Federationists for the year 1904, being Volume 11, Part 2, and containing the Federationists of that year for each month from August to December, inclusive. ("Exhibit 42.")

I offer in evidence the American Federationists for the year 1905, being Volume 12, Part 1, and containing the Federationists for each of the months from January to July, inclusive. ("Exhibit 43.")

I offer in evidence the American Federationist for the year
583 1905, being Volume 12, Part 2, and containing the American Federationists for each of the months from August to December, inclusive. ("Exhibit 44.")

I offer the American Federationists for the year 1906, being Volume 13, Part 1, containing the American Federationists for each of the months of that year from January to July, inclusive. ("Exhibit 45.")

I offer the American Federationists for the year 1906, being Volume 13, Part 2, and containing the American Federations for each month from August to December of that year, inclusive. ("Exhibit 46.")

584 I offer in evidence the American Federationists for the year 1907, being Volume 14, Part 1, and containing the American Federationists for each of the months of that year from January to July, inclusive. ("Exhibit 47.")

And I offer in evidence the American Federationists for the year 1907, being Volume 14, Part 2, and containing the American Federationists for each of the months from August to December of that year, inclusive. ("Exhibit 48.")

Witness,

FRANK MORRISON, 585

Sworn by Mr. Carroll:

The Clerk:

Your full name, Mr. Morrison? A. Frank Morrison.

EXAMINED

By Mr. Davenport: 586

Q. Where do you reside? A. Washington, D. C.

Q. What relation do you bear to the American Federation of Labor? A. The Secretary of the American Federation of Labor.

Q. How long have you held that position? A. Since the first of January, 1897.

Q. Will you state what these volumes are? A. A set of the proceedings—reports of A. F. of L. from 1881 up to and including 1907.

Q. Reports of the proceedings of the Convention? A. Of the American Federation of Labor; yes, sir. 587

Mr. Davenport:

Now I will offer in evidence the reports of the proceedings of the A. F. of L. from the year 1881 to 1888 inclusive, and ask that they be marked as an exhibit. (Marked Exhibit 49.)

Mr. Davenport:

I offer in evidence the reports of the proceedings of the conventions of the American Federation of Labor from 1889 to 1892 inclusive.

(Said document marked Plaintiff's Exhibit 50.)

Mr. Davenport:

I will offer in evidence the reports of the proceedings of the conventions of the American Federation of Labor for the years 1893 to 1896 inclusive. 588

(Said document marked Plaintiff's Exhibit 51.)

Mr. Davenport:

I will offer in evidence the reports of the proceedings of the conventions of the American Federation of Labor for the 1897 and 1898.

(Said document marked Plaintiff's Exhibit 52.)

Mr. Davenport:

589 I offer in evidence the reports of the proceedings of the conventions of the American Federation of Labor for the years 1899 to 1901 inclusive.

(Said document marked Plaintiff's Exhibit 53.)

Mr. Davenport:

I offer in evidence the reports of the proceedings of the conventions of the American Federation of Labor for the years 1902 and 1903.

(Said document marked Plaintiff's Exhibit 54.)

Mr. Davenport:

590 I will offer in evidence reports of the proceedings of the conventions of the American Federation of Labor for the years 1904 and 1905.

(Said document marked Plaintiff's Exhibit 55.)

Mr. Davenport:

I offer in evidence the reports of the proceedings of the conventions of the American Federation of Labor for the years 1906 and 1907.

(Said document marked Plaintiff's Exhibit 56.)

Q. I show you these documents, Mr. Morrison, and ask you what they are (showing)? A. The first one is the report of the proceedings of the Denver convention.

591 Denver, Colorado.

Q. What year? A. 1908. The next is the report of the proceedings of the Toronto, Ontario convention 1909. The next is the report of the proceedings of the St. Louis convention of 1910. This is the report of the proceedings of the Atlanta, Georgia convention of 1911.

Mr. Davenport:

I offer in evidence report of the proceedings of the convention of the American Federation of Labor for the year 1908.

(Said document marked Plaintiff's Exhibit 57.)

592 Mr. Davenport:

I offer in evidence the report of the proceedings of the convention of the American Federation of Labor for the year 1909.

(Said document marked Plaintiff's Exhibit 58.)

Mr. Davenport:

I will offer in evidence report of the proceedings of the convention of the American Federation of Labor for the year 1910.

(Said document marked Plaintiff's Exhibit 59.)

Mr. Davenport:

I will offer in evidence the report of the proceedings of the convention of the American Federation of Labor for the year 1911. 593

(Said document marked Plaintiff's Exhibit 60.)

Q. Are those the official minutes of proceedings of the conventions respectively named? A. Yes, sir.

Q. And are published by order of the American Federation of Labor? A. Yes, sir.

Q. I will ask you if these other volumes (pointing to books on the table) are the volumes of the American Federationist? A. They appear to be, yes, sir. 594

Q. Is that the official Journal of the American Federation of Labor? A. Yes, sir.

Q. Mr. Morrison, is the United Hatters of North America one of the constituent organizations of the American Federation of Labor? A. It is affiliated to the American Federation of Labor.

Q. Now I direct your attention to these several reports of the proceedings of the several conventions of the American Federation of Labor, and ask you whether or not the constitutions contained in them are not constitutions of the American Federation of Labor for each year following the convention, the report of which they precede? 595

Mr. Mulholland:

Objected to as immaterial.

The Court:

He may answer.

Mr. Mulholland:

An exception.

A. The constitution that is printed is the constitution—I am not sure about that. It is the constitution either for the following year, or the preceding year. 596

Q. Is it not provided that the constitution when amended takes effect—any amendments made—at the adjournment of the convention? A. I think not; takes effect on the first of January following.

Q. The first of January following? A. Yes. (After examining book) contains the new constitution with the amendments.

Q. For the following year? A. For the following year.

597 Q. That is, the report of the convention of 1902 would contain the constitution that will govern the body until the following convention any way? A. Yes, sir, 1903, but commencing the first of January.

Mr. Mulholland:

What do you propose to read now?

Mr. Davenport:

I am going to read the constitution of the American Federation of Labor in force for the year following the first of January 1900.

Mr. Mulholland:

598 That is objected to.

The Court:

Read it.

Mr. Mulholland:

Save an exception.

See next page for copy of constitution.

Mr. Merritt:

"CONSTITUTION.

599

PREAMBLE.

Whereas, A struggle is going on in all the nations of the civilized world between the oppressors and the oppressed of all countries, a struggle between the capitalist and the laborer, which grows in intensity from year to year, and will work disastrous results to the toiling millions if they are not combined for mutual protection and benefit;

600 It, therefore, behooves the representatives of the Trade and Labor Unions of America, in convention assembled, to adopt such measures and disseminate such principles among the mechanics and laborers of our country as will permanently unite them to secure the recognition of the rights to which they are justly entitled;

We, therefore, declare ourselves in favor of the formation of a thorough Federation, embracing every trade and labor organization in America, organized under the trade-union system.

601

CONSTITUTION.

ARTICLE I.

Name.

This Association shall be known as 'The American Federation of Labor,' and shall consist of such Trade and Labor Unions as shall conform to its rules and regulations.

ARTICLE II.

Objects.

602 Section 1. The objects of this Federation shall be the encouragement and formation of local Trade and Labor Unions and the closer federation of such societies through the organization of Central Trade and Labor Unions in every city, and the further combination of such bodies, into State, Territorial, or Provincial organizations, to secure legislation in the interest of the working masses.

Sec. 2. The establishment of National and International Trade Unions, based upon a strict recognition of the autonomy of each trade, and the promotion and advancement of such bodies.

603 Sec. 3. An American Federation of all National and International Trade Unions to aid and assist each other, to aid and encourage the sale of union-label goods, and to secure national legislation in the interest of the working people and influence public opinion, by peaceful and legal methods in favor of organized labor.

Sec. 4. To aid and encourage the labor press of America.

ARTICLE III.

Convention.

604 Section 1. The Convention of the Federation shall meet annually at 10 a. m., on the first Thursday after the first Monday in December, at such place as the delegates have selected at the preceding convention.

Sec. 2. At the opening of the convention the President shall take the chair and call the convention to order, and preside during its sessions.

Sec. 3. The following committees, consisting of seven members each, shall be appointed by the President: First, Rules and Order of Business; second, Report of President; third, Report of Executive Council; fourth,

605 Report of Secretary; fifth, Report of Treasurer; sixth, Resolutions; seventh, Laws, eighth, Organization; ninth, Labels and Boycotts; tenth, Grievances; eleventh, Local or Federated Bodies.

Sec. 4. The President shall direct the chief executive officers of three National or International Unions, at least ten days previous to the holding of the Annual Convention, to appoint one delegate each from their respective delegations-elect, who shall compose an Auditing Committee. This committee shall meet at the place for holding the convention three days prior to the con-
606 vention, and they shall audit the accounts of the Federation for the preceding twelve months, and report upon credentials immediately upon the opening of the convention. The expense of said committee shall be paid out of the funds of the Federation.

Sec. 5. Resolutions of any character, or propositions for changes in this Constitution, intended for consideration by the convention, shall be sent to the Secretary of the American Federation of Labor at least two weeks previous to the date of the convention. The Secretary shall have the same compiled and printed in the pro-
607 gram of business and mailed to each delegate-elect and to the executive officer of each affiliated organization, and no resolution or constitutional provision shall be considered unless printed in the program, without a two-thirds vote of the convention.

Sec. 6. The convention shall have power to order an executive session at any time.

Sec. 7. None other than members of a bona fide trade union shall be permitted to address the convention or read papers therein, except by a two-thirds vote of the convention.

608 Sec. 8. Party politics, whether they be democratic, republican, socialistic, populistic, prohibition, or any other, shall have no place in the conventions of the American Federation of Labor.

Sec. 9. The rules and order of business governing the preceding convention shall be in force from the opening of any convention of the American Federation of Labor until new rules have been adopted by action of the convention.

609

ARTICLE IV.

Representation.

Section 1. The basis of representation in the convention shall be: From National or International Unions, for less than four thousand members, one delegate; four thousand or more, two delegates; eight thousand or more, three delegates; sixteen thousand or more, four delegates; thirty-two thousand or more, five delegates and so on; and from Central Bodies and State Federations, and from Local Unions not having a national union, and from Federal Labor Unions, one delegate. Only bona fide wage- 610
workers who are not members of, or eligible to membership in, other trade unions shall be eligible as delegates from Federal Labor Unions.

Sec. 2. The delegates shall be elected at least two weeks previous to the Annual Convention of the American Federation of Labor, and the names of such delegates shall be forwarded to the Secretary of this body immediately after their election.

Sec. 3. Questions may be decided by a division or a show of hands, but if a call of the roll is demanded by one-tenth of the delegates present, each delegate shall 611
cast one vote for every one hundred members, or major fraction thereof, he represents, but no City, or State Federation shall be allowed more than one vote.

Sec. 4. The Secretary shall prepare for use of the convention printed poll lists, containing the number of votes the delegates from National and International Unions are entitled to, based upon the average membership during the year, from reports made to the office of the Federation not later than October 31 preceding the Annual Convention.

Sec. 5. No organization which has seceded or has 612
been suspended or expelled from any National or International organization connected with the Federation shall be allowed a representation or recognition in this Federation or in any Central body or National or International Union connected with the American Federation of Labor, under penalty of the suspension of the body violating this section.

Sec. 6. No organization shall be entitled to representation unless such organization has applied for and

613 obtained a certificate of affiliation at least one month prior to the convention, and no person shall be recognized as a delegate who is not a member in good standing of the organization he is elected to represent.

ARTICLE V.

Officers.

Section 1. The officers of the Federation shall consist of a President, six Vice-Presidents, a Secretary, and Treasurer, to be elected by the convention on the last day of the session, and these officers shall be the Executive
614 Council.

Sec. 2. The President and Secretary shall be members of the succeeding convention in case they are not delegates, but without vote.

Sec. 3. All elective officers shall be members of a local organization connected with the American Federation of Labor.

Sec. 4. The terms of the officers of the American Federation of Labor shall expire on the first day of January succeeding the convention.

Sec. 5. The President and Secretary shall engage
615 suitable offices in the same building at Washington, D. C., for the transaction of the business of the organization.

Sec. 6. All books and financial accounts shall, at all times, be open to the inspection of the President and Executive Council.

ARTICLE VI.

Duties of President.

Section 1. It shall be the duty of the President to preside at the Annual Convention; to exercise supervision of the Federation throughout its jurisdiction; to sign all
616 official documents, and to travel, with the consent of the Executive Council, whenever required, in the interest of the Federation.

Sec. 2. The President shall submit to the Secretary at the end of each month, an itemized account of all moneys, traveling and incidental, expended by him in the interest of the Federation, and shall report his acts and doings to the Annual Convention of the Federation.

Sec. 3. The President, if not a delegate, shall have the casting vote in case of a tie, but shall not vote at other

times. He shall be required to devote all his time to the interests of the Federation. 617

Sec. 4. The President shall call meetings of the Executive Council, when necessary, and shall preside over their deliberations, and shall receive for his services such sums as the Annual Convention may determine, payable weekly.

Sec. 5. In case of a vacâncy in the office of President by death, resignation, or other cause, the Secretary shall perform the duties of the President until his successor is elected. In that event it shall be the duty of the Secretary to issue, within six days from the date of vacancy, a call for meeting of the Executive Council at headquarters for the purpose of electing a President to fill said vacancy. 618

ARTICLE VII.

Duties of Secretary.

Section 1. The duties of the Secretary shall be to take charge of all books, papers, and effects of the general office; to conduct the correspondence pertaining to his office; to furnish the elective officers with the necessary stationery to convene and act as Secretary at the Annual Convention, and to furnish to the Committee on Credentials, at the convention, a statement of the financial standing of each affiliated body; to forward on March 1 and September 1 of each year, to the secretaries of all affiliated organizations, a list of the names and addresses of secretaries and organizers. 619

Sec. 2. The Secretary shall keep all letters, documents, accounts, etc., in such manner as the Annual Convention may direct; he shall receive and collect all moneys due the Federation, and pay them to the Treasurer, taking his receipt therefor; provided, that he may retain in his hands a sum not exceeding $250 for current expenses, which money shall be paid out only on the approval of the President. 620

Sec. 3. The Secretary shall submit to the Auditing Committee for their inspection, vouchers for all moneys expended; close all accounts of the Federation on October 31 of each year, and all moneys received or disbursed after such date shall not be reported in the general balance account of the ensuing convention. He shall publish a financial report monthly in the American Fed-

621 erationist, and send one copy to each affiliated body, and such additional number of copies as may be ordered and paid for by any organization connected with the Federation.

Sec. 4. The Secretary shall give a bond of $1,000 for the faithful performance of his duties, and for his services shall receive such sum as the Annual Convention may determine, payable weekly.

ARTICLE VIII.

Duties of Treasurer.

622 Section 1. The Treasurer shall receive and take charge of all moneys, property, and security of the Federation delivered to him by the Secretary. He shall deposit all moneys belonging to the Federation in bank in his name as Treasurer of American Federation of Labor; and before any moneys thus deposited can be drawn, each check shall be signed by him as Treasurer.

Sec. 2. The Treasurer shall pay, through the Secretary, all warrants regularly drawn on him, signed by the President and countersigned by the Secretary, as required by this Constitution, and none others.

623 Sec. 3. The Treasurer shall submit to the Annual Convention a complete statement of all receipts and disbursements during his term of office, and at the expiration of his term of office he shall deliver up to his successor all moneys, securities, books, and papers of the Federation under his control, and for the faithful performance of his duties he shall give a bond in such sum as the Executive Council may determine. The annual salary of the Treasurer shall be $100.

ARTICLE IX.

624

Executive Council.

Section 1. It shall be the duty of the Executive Council to watch legislative measures directly affecting the interests of working people, and to initiate, whenever necessary, such legislative action as the convention may direct.

Sec. 2. The Executive Council shall use every possible means to organize new National or International Trade or Labor Unions, and to organize Local Trade and Labor Unions and connect them with the Federation un-

til such time as there is a sufficient number to form a National or International Union, when it shall be the duty of the President of the Federation to see that such organization is formed. 625

Sec. 3. When a National or International Union has been formed the President shall notify all Local Unions of that trade to affiliate with such National or International Union, and unless said notification be complied with within three months their charters shall be revoked.

Sec. 4. The Executive Council shall also prepare and present to the convention in printed form a concise statement of the details leading up to approved and pending boycotts, and no endorsement for a boycott shall be considered by the convention except it has been so reported by the Executive Council. 626

Sec. 5. While we recognize the right of each trade to manage its own affairs, it shall be the duty of the Executive Council to secure the unification of all labor organizations, so far as to assist each other in any trade dispute.

Sec. 6. Whenever the revenue of the Federation shall warrant such action, the Executive Council shall authorize the sending out of Trade Union speakers from place to place, in the interests of the Federation. 627

Sec. 7. The remuneration for loss of time by members of the Executive Council or speakers engaged by them shall be $3.50 per day and traveling and hotel expenses.

Sec. 8. The Executive Council shall have power to make rules to govern matters not in conflict with this Constitution or the constitution of affiliated unions, and shall report accordingly to the Federation.

Sec. 9. In the event of a vacancy of any member of the Executive Council, other than that of the President, by reason of death, resignation, or other cause, the President shall make such vacancy known to the Executive Council, and shall call for nominations. The names of all nominees shall be submitted to the Executive Council, and it shall require a majority vote of the Executive Council to elect. Upon each unsuccessful balloting the name of the candidate receiving the lowest number of votes shall be dropped. 628

Sec. 10. All local trade unions and Federal Labor unions holding charters direct from the American Federa-

151

629 tion of Labor desiring the assistance of the American Federation of Labor in trade disputes, shall submit to the President of the American Federation of Labor, for approval by the Executive Council, a full statement of the grievance before a strike occurs. Unions violating this section shall forfeit all claims upon the American Federation of Labor or affiliated organizations for support.

ARTICLE X.

Assessment.

Section 1. The Executive Council shall have power
630 to declare a levy of one per cent per member per week on all affiliated unions for a period not exceeding ten weeks in any one year, to assist in the support of an affiliated organization engaged in a protracted strike or lockout.

Sec. 2. Any union, International, National or Local, failing to pay within 60 days the levies declared in accordance with Section 1, shall be deprived of representation in convention of the American Federation of Labor and in city central bodies affiliated with the American Federation of Labor.

631

ARTICLE XI.

Revenue.

Section 1. The revenue of the Federation shall be derived as follows: From International or National Trade Unions, a per capita tax of one-third of one cent per member per month; from Local Trade Unions and Federal Unions, five cents per member per month; from Central and State bodies, $10. per year, payable quarterly.

Sec. 2. Delegates shall not be entitled to a seat in the Annual Convention unless the tax of their organization, as provided in Section 1 of this Article, has been
632 paid in full to October 31, preceding the Convention.

Sec. 3. Any organization affiliated with this Federation not paying its per capita tax on or before the 15th of each month, shall be notified of the fact by the Secretary of the Federation, and if at the end of three months it is still in arrears, it shall become suspended from membership in the Federation, and can be reinstated only by vote of the Convention when such arrearages are paid in full, as provided in Section 2 of this Article.

ARTICLE XII.

Local Central Bodies. 633

Section 1. No Central Labor Union or any other central body of delegates shall admit to, or retain in, their councils, delegates from any local organization that owes its allegiance to any other body, National or International, hostile to any affiliated organization, or that has been suspended or expelled by or not connected with a National or International organization of their trade herein affiliated, under penalty of being denied representation in the Annual Convention of this Federation.

Sec. 2. It shall be the duty of all National and International Unions affiliated with the American Federation of Labor to instruct their Local Unions to join chartered Central Labor Unions in their vicinity where such exist. Similar instructions shall be given by the American Federation of Labor to all Trade and Federal Labor Unions under its jurisdiction. 634

Sec. 3. Where there are one or more Local Unions, in any city, belonging to any National or International Union affiliated with this Federation, they may organize a Trades Assembly or Central Labor Union, or join such body, if already in existence.

Sec. 4. The Executive Council and Local Central Labor Unions shall use all possible means to organize and connect as Local Unions to National or International Unions the organizations in their vicinity; to aid the formation of National or International Unions where none exist, and to organize Federal Labor Unions where the number of craftsmen preclude any other form of organization. 635

Sec. 5. No Central Labor Unions, or other central body of delegates, shall have the authority or power to order any organization, affiliated with such Central Labor Union, or other central labor body, on a strike, where such organization has a National organization, until the proper authorities of such National organization have been consulted and agreed to such action. 636

ARTICLE XIII.

Miscellaneous.

Section 1. Certificates of affiliation shall be granted by the President of the Federation, by and with the con-

637 sent of the Executive Council, to all National and International Unions and local bodies affiliated with this Federation.

Sec. 2. Seven wage-workers of good character, following any trade or calling, who are favorable to Trade Unions, whose trade or calling is not organized, and are not members of any body affiliated with the Federation, who shall subscribe to this Constitution, shall have the power to form a local body to be known as a "Federal Labor Union", and they shall hold regular meetings for the purpose of strengthening and advancing the trade
638 union movement, and shall have power to make their own rules in conformity with this Constitution, and shall be granted a Local Certificate by the President of this Federation; provided, the request for a certificate be indorsed by the nearest Local or National Trade Union official connected with this Federation.

Sec. 3. The certificate fee for affiliated bodies shall be $5, payable to the Secretary of the Federation, and the fee shall accompany the application.

Sec. 4. The American Federation of Labor shall refer all applications for certificates of affiliation from Local
639 Unions or Federal Labor Unions from a vicinity where a chartered Central Labor Union exists, to that body for investigation and approval.

Sec. 5. Certificates of affiliation shall not be granted by State Federations of Labor. That power is vested solely in the Executive Council of the American Federation of Labor and the executive officers of National and International Unions affiliated therewith.

Sec. 6. Not more than three Federal Labor Unions shall be chartered in any one city. No Federal Labor
640 Union shall be recognized as affiliated, if its membership consists of a majority of active members of trade unions.

Sec. 7. Fraternal delegates attending the Convention of the American Federation of Labor shall be entitled to all the rights of delegates from Central bodies.

ARTICLE XIV.

Amendments.

This Constitution can be amended or altered only at a regular session of the Convention, and to do so it shall require a two-thirds vote.

Q. Mr. Morrison, to what trade union do you be- **641**
long? A. I belong to the Typographical Union No. 16 in Chicago.

Q. What is the name of that? A. International Typographical Union.

Q. And as such did you attend the convention of the American Federation of Labor in 1896? A. I did.

Q. And were you at that convention elected the secretary of the American Federation of Labor? A. I was.

Q. Have you continued to hold that office ever since? A. I have.

Q. Hold it now? A. Yes. **642**

Q. It has been stated here that the United Hatters of North America joined the American Federation of Labor—

Mr. Beach:

(Interrupting) You mean affiliated.

Q. Well, became affiliated to or with the American Federation of Labor in the year 1896. Have you as secretary charge of all the documents and property and effects of the organization? A. Yes, sir.

Q. As read in the constitution. As such have you **643**
in your possession a copy of the application made by the United Hatters to join the American Federation of Labor or become affiliated to it? A. I should have.

Q. I show you a document and ask you what that is (showing)? A. That is a blank charter used by the American Federation of Labor furnished to those to whom the charter is granted, to such unions as the charter is granted.

Q. Would that be a blank from of the charter that was issued to the United Hatters by the American Fed- **644**
eration of Labor? A. Yes, sir, since 1896.

Mr. Davenport:

We have an understanding between us, your Honor, that in view of the circumstances, we will use this in place of the original, because of course they want to preserve these carefully in their archives, and I will offer this in evidence.

(Said document marked Plaintiff's Exhibit 61, which is read by counsel as follows):

645 Mr. Davenport:

"American Federation of Labor doth grant this Certificate of Affiliation To (blank) and to their successors legally qualified, to constitute the Union herein named and known under the title of (blank) for the purpose of a thorough organization of the trade, and a more perfect Federation of all Trades and Labor Unions. And the Union being duly formed, is empowered and authorized to initiate into its membership any person or persons in accordance with its own laws. And to conduct the business affairs of said Union in compliance with the best
646 interests of the trade and labor in general. The autonomy of the Union is hereby ordained and secured.

Provided, That the said Union do conform to the Constitution, Laws, Rules and Regulations of the American Federation of Labor, and in default thereof, or any part, this Certificate of Affiliation may be suspended or revoked according to the laws of this Federation. And should the said (blank) be dissolved, suspended or forfeit this Certificate of Affiliation, then the persons to whom this Certificate of Affiliation is granted, or their successors, bind themselves to surrender the same with such
647 other property as shall properly belong to this Federation. And further, in consideration of the due performance of the above, the American Federation of Labor does hereby bind itself to support the said (blank) in the exercise of all its rights, privileges and autonomy as an affiliated Union. In Witness Whereof, We have subscribed our Names and affixed the Seal of the American Federation of Labor, this (blank) day of (blank) A. D. One Thousand Nine Hundred and (blank) President, 1st Vice-President, 2d, 3rd, 4th, 5th, 6th, 7th, 8th, Treasurer, Secretary; Executive Council."

648 Q. Now was such a certificate as that issued to the United Hatters of North America? A. Yes, sir.

Q. And to clear the matter up, do you recall that some time in the spring of 1903 a similar application for some reason was made, a renewed application and a similar certificate again issued? A. (No answer.)

Q. I don't know whether you now recall it? A. It is possible, but I don't recall it.

Q. I show you this document and ask you whether or not that would be the form of the application that would be

made by the United Hatters to become affiliated (showing)? A. Not necessarily. They simply send in their application to become affiliated, request for a charter. This is a form of application we use to send to our organizers to send in applications that are made for local unions. 649

Q. This would not necessarily be a form? A. No, sir. Probably if the application came in, as no doubt it did, it would simply be a request for a charter.

Q. Well, Mr. Morrison, when you return to Washington, would you get a copy of the application that is there, that is on file?

The Court:

Isn't the application he refers to in the former record? 650

Mr. Davenport:

We will pass it for the present.

Mr. Mulholland:

We will have no dispute over that any time you find it.

Q. Mr. Morrison, were you acquainted with John Phillips? A. Yes, sir.

Q. What position did he hold with the United Hatters of North America? A. He was secretary, or secretary-treasurer, of that organization.

Q. Down to the time of his death? A. I think so.

Q. Did you have official correspondence with him? A. Yes, sir. 651

Q. Necessarily, in the discharge of his duties? A. Yes, sir.

Q. Well, will you state whether or not he was a delegate to the convention of the American Federation of Labor held in the year 1896 (showing)? A. The record indicates that he was delegate.

Q. Will you tell us who were the delegates from the United Hatters of North America to the convention held in 1896? A. The record published in the proceedings give Edward Barrett and J. Phillips as the two delegates to represent the United Hatters of North America. 652

Q. Where did Edward Barrett reside? A. In South Norwalk.

Q. Where did Mr. Phillips reside? A. 477 Park Avenue, Brooklyn, New York.

Q. Now I wish you would look at the proceedings of the convention of 1897 and 1898 and see who represented them in that body (showing)? A. This is 1897.

653 Mr. Mulholland:

Counsel for the plaintiff have a list here apparently, handed by associate counsel to me, of the delegates from the Hatters' Union to the various conventions of the American Federation of Labor. Now I think counsel for the defendant are willing to admit, if that list is correct, that it may be spread upon the record. The only objection we will take to it is as to conventions subsequent to August 31, 1903.

Mr. Merritt:

There was some trouble about 1897 and 1898.

Q. In 1897 who were the representatives of the United
654 Hatters? A. John A. Moffitt and Edward Moore.

Q. And in the year 1898? A. William F. Lee, Martin Lawlor.

Mr. Davenport:

Now we have all the rest agreed to; that is, the fact.

Q. I wish you would tell us who were the delegates in 1906 (showing)?

Mr. Beach:

That we object to, 1906.

Mr. Beach:

The writ is dated in 1903, and the inquiry being as
655 to delegates to a convention in 1906, we object to it as irrelevant and immaterial.

The Court:

I will proceed on the same reasoning that the court proceeded heretofore, and note the exception.

A. Martin Lawlor, James P. Maher, Thomas Donovan.

Mr. Davenport:

Now to save all trouble it may be entered upon the record that —

Mr. Mulholland:

656 (Interrupting) Subject to our exception.

Mr. Merritt:

In 1899 James P. Maher and James W. Sculley. In 1900 Charles Barrett and P. H. Connolley. In 1901 William P. Bailey and Frank P. Shalvoy. In 1902 Martin Lawlor, James P. Maher, John Moffitt. In 1903—

Mr. Beach:

(Interrupting) We object to the introduction of evidence as to delegates to the conventions of 1903, 1904, and 1905 for the same reasons as 1906.

Mr. Merritt:

657 1903 John Moffitt, James P. Maher, and John Phillips. In 1904 Martin Lawlor, James P. Maher and John Moffitt. In 1905 John Moffitt, James P. Maher, F. P. Shalvoy. In 1906 the witness has given. In 1907 Martin Lawlor, James P. Maher. In 1908 John Moffitt, Martin Lawlor, and James P. Maher.

Q. Now in explanation of these exhibits, which we shall want to use in the course of the trial, I want to ask you some questions about their general arrangement and character. Is it your duty as secretary to receive all the payments made by way of assessments, taxes, due from **658** the International Unions to the American Federation of Labor? A. Yes, sir.

Q. And you keep an exact account of it? A. Yes, sir.

Q. Even to a penny? A. Yes, sir.

Q. And is it true also of the expenditures, that you make, that you keep an exact account even to a cent? A. Yes.

Q. And are you required to publish those in the financial statement each month in the American Federationist? A. Yes, sir.

659 Q. Will you state whether or not in these volumes those statements are published?

Q. I want to know now whether or not those statements appear in those several issues of the American Federationist since you have been secretary? A. Yes, sir.

Q. When the United Hatters of North America paid its tax to you, was that entered by you in the statement and published by you in a subsequent issue of the American Federationist? A. It was entered in the Federation books, and then a transcript taken and published in the American Federationist afterwards.

660 Q. In every case? A. In every case, yes, sir.

Q. So that we can, by an examination of those financial statements, ascertain what sums by way of taxes were paid by the American Federation of Labor during that period? A. Yes, sir.

Q. And is that so of any other assessment that was made upon them? A. All assessments, yes, sir.

Q. In other words, the intent of your organization is, and of yourself, that that statement shall contain everything

661 that you have received and everything that you have paid out to an exact cent? A. Yes, sir.

Mr. Davenport:

Well now, I have prepared here a statement, as far as I could gather it from such items in these different volumes, which, instead of going through and picking them out, I think our friend here will agree that we may use, subject to correction, as a correct statement.

Mr. Mulholland:

As to the fact?

Mr. Davenport:

662 As to the fact.

Mr. Mulholland:

No objection.

The Court:

You don't want to read it now, do you?

Mr. Davenport:

No, not going to read it now.

Q. Now Mr. Morrison, will you state whether or not under the constitution, before any of its affiliated bodies can be represented by delegates in the conventions of the American Federation of Labor, they must have paid up the dues, any 663 moneys due to the Federation?

Mr. Mulholland:

We object to that, because the constitution has been read in evidence. What is the use of reading the constitution and then asking the witness to refer to it? It will save a good deal of time to rely upon the constitution that has been read.

Mr. Beach:

The general question as to whether the practice of the Federation corresponded to the constitution might be allowed, I think.

Mr. Davenport:

664 Very well, I will accept the suggestion of my friend.

Q. Will you state whether that has been the practice? A. It has been the practice since I have been secretary.

Q. It is the invariable practice, is it not? A. Since I have been secretary there have been occasions where organizations have been seated that haven't paid their indebtedness.

Q. Since you have been secretary? A. By action of the convention.

Q. By action of the convention? A. Yes, sir.

Q. Are they very rare? A. Not very often.

Q. In each one of these volumes, being the reports of the conventions of the F. of L., and following the constitution and preceding the report of the proceedings, will you state whether or not there is a list in each of these volumes of the organizations represented and of the number of delegates and the names of the delegates and their residences and the number of votes that each delegate was entitled to as the representative of his body? A. In most, if not all of the proceedings, such a list is printed. **665**

Q. So that by an examination of those we can ascertain? A. Yes, sir.

Q. As the secretary of the American Federation of Labor are you a member of the Executive Council? A. I am. **666**

Q. Are you secretary of the Executive Council? A. I have acted as secretary.

Q. During all that period? A. Yes, sir.

Q. Will you state whether or not in the volumes of the American Federationist there are published minutes of the proceedings of the Executive Council of the American Federation of Labor? A. There has been published at intervals excerpts from the proceedings.

Q. I will ask you whether, wherever those appear in those volumes, they are what they purport to be,—reports of the doings of the Executive Council? **667**

Mr. Mulholland:

That is objected to.

Q. Well, are you familiar with them?

Mr. Mulholland:

We save an exception.

A. I am familiar with the minutes of the Executive Council meetings; but it has been the custom of President Gompers to make excerpts and print them, and I had nothing to do with the minutes that appeared in the American Federationist. **668**

Q. So that you don't know yourself— A. (Interrupting.) Not of my personal knowledge, because I didn't read them. Except as to the minutes that I read, I couldn't say that they were accurate, but I will say that they were intended to be.

Q. Were these minutes kept by you of the meetings of the Executive Council—entered by you in a regular book? A.

669 No, they were kept in memoranda, and then dictated and put in a regular book.

Q. In the day and time of it put in the book? A. Well, the memoranda was kept as the meeting progressed, and then the minutes were prepared, and copies sent to the members of the Executive Council afterwards.

Q. Did you do it? A. I did.

Q. And were they afterwards entered into a book that you keep of all the minutes of the Executive Council? A. Yes, sir.

Q. Did you furnish the matter to Mr. Gompers, or did he
670 have access to them? A. He got a copy as a member of the Council.

Q. Now in the copy that you sent to him, as well as what you entered, did the report correspond to the truth of the facts when you recorded them? A. They were carbon copies, and as near correct as we could get them.

Q. And the report that was made was as accurate as you could make it? A. Yes, sir.

Mr. Davenport:

I find here what purports to be a copy—

Mr. Davenport:

671 "Application for Certificate of Affiliation (Seal of American Federation of Labor) to the American Federation of Labor, De Soto Block, Indianapolis, Indiana. Samuel Gompers, Prest; Aug. McGraith, Secy.

"And number of Wage Workers, not less than seven, who are desirous of forming a Trade Union, a Federal Labor Union, or having their Local, District, National, or International Union affiliated with the American Federation of Labor, must fill up this form and forward it, together with ten dollars as a Certificate of Affiliation Fee to this office, as above, for approval. In the case of National or International, State or
672 City bodies $5 will be all that will be required. Seal and books not being included.

"(City and Date) Brooklyn, Sept. 18th, 1896.

"We, the undersigned Wage Workers, believing it to be well calculated to improve our intellectual and social condition, and promote our industrial well-being and advancement, respectfully petition the American Federation of Labor to grant a Certificate of Affiliation to us as representatives of:

"Name of Organization, The United Hatters of North America.

"The regular meeting of the Union will be held every four 673
years.

"Holding regular meetings at No. Street, in the City of New York (probably), State of N. Y.

"We hereby pledge ourselves, individually and collectively, to be governed by the Constitution, Rules and usages of the American Federation of Labor, with the reserved right to preserve the autonomy or self-government of our own organization subject to such rules and regulations as may be made, or are now established, in our organization as above named.

"Total number of members in Union 6,000.

Edward Barrett, President. 674
John Phillips, Secretary.

"Address of Secretary, 477 Park Ave., Brooklyn, N. Y.

"Names of Applicants.	Addresses of Applicants.
"Edward Barrett, Prest.	South Norwalk, Conn.
John A. Moffitt, Vice-Prest.	28 Lincoln Pl., Orange, N. J.
John Phillips, Secy.	447 Park Ave., Brooklyn, N. Y.
Edw'd. Moore, Treas.	114 Noble St., Phila., Pa.

"Issued Sept. 21, 1896. $5."

Mr. Beach:

We admit that that application was made by the parties, signed in the words and figures just read. 675

Mr. Merritt:

Do you admit that those men held those offices at that time?

Mr. Beach:

Oh yes, and that they purport to be the signatures of those men.

Mr. Beach:

In order to save the threatened trip to Washington, in order to avoid that, we admit that the original certificate of affiliation issued to the United Hatters in 1896 was lost or mislaid, and for that reason a new one was asked for, and the application for the second certificate of affiliation is on record in Mr. Morrison's office, in manner and form as follows: Now read it. 676

Mr. Davenport:

"Application for Certificate of Affiliation to the American Federation of Labor. 423-425 G Street, N. W., Washington, D. C. Frank Morrison, Secretary. Samuel Gompers, President. Any number of Wage Workers, not less than seven,

677 who are desirous of forming a Trade Union, a Federal Labor Union, or having their—"

The Court:

(Interrupting.) Does that read any different from the one that you have read?

Mr. Davenport:

Not the first part.

The Court:

What part reads different?

Mr. Davenport:

Date, names, names of applicants. It is very short, your

678 Honor.

Mr. Davenport:

"City and date, New York, June 27, 1903. We, the undersigned Wage Workers, believing it to be well calculated to improve our intellectual and social condition, and promote our industrial well-being and advancement, respectfully petition the American Federation of Labor to grant a Certificate of Affiliation to us as representatives of:

"Name of Organization, United Hatters of North America.

"The Regular meeting of the Union will be held every

679 four years.

"Holding regular meetings at No. in the City of State or Province of

"We hereby pledge ourselves, individually and collectively, to be governed by the Constitution, Rules and Usages of the American Federation of Labor, with the reserved right to preserve the autonomy or self-government of our own organization subject to such rules and regulations as may be made, or are now established, in our organization as above named.

"Total number of members in Union 9,000. $1.00 cash.

680 John A. Moffitt, President.
John Phillips, Secretary.

"Address of Secretary, 11 Waverly Place, N. Y.

Names of Applicants.	Addresses of Applicants
John A. Moffitt, Prest.	Orange, N. J.
Martin Lawlor, Vice-Prest.	Bethel, Ct.
John Phillips, Sec'y.	Brooklyn, N. Y.
James P. Maher, Treas.	Danbury, Ct.
Chas. J. Barrett, Director.	Danbury, Ct.
Morris Carmody, Director.	Brooklyn, N. Y.
William C. Hennelly, Director.	Boston, Mass

"The Charter Record of it is: 681

"New. Name of Union, United Hatters of America. No. City State Application received June 27, 1903. Application entered June 27th, 1903. Receipt made June 29, 1903. Letter written To whom receipt forwarded City State To whom charter issued September 21, 1896. Seal ordered City, Orange, State, New Jersey.

Charter mailed—John A. Moffitt, June 27, 1903. Name of Express Company Date outfit was expressed To whom outfit was expressed Name of Organizer City State 682

Answered July 1, 1903."

CROSS EXAMINATION

By Mr. Mulholland:

Q. Mr. Morrison, on your direct examination you testified that the Federationist was the official organ of the American Federation of Labor. Do you mean by that that all that is published in the Federationist is official matter? A. No, sir.

Q. I wish you would explain to the jury just what you meant by saying it was the official organ? A. The convention authorized the president of the American Federation of Labor to publish a Journal, and that Journal is the Federationist. 683

Q. Then you mean that it is a publication authorized by the American Federation of Labor? A. Yes, sir.

RE-DIRECT EXAMINATION

By Mr. Davenport:

Q. The record of the proceedings of the convention establishing the Federationist will be found in the report of the proceedings of the convention, will it not? A. There ought to be some record to that effect. 684

Q. And the report of the president of the American Federation of Labor and the action of the Executive Council under that resolution is to be found in the reports, is it not? A. I am not very clear on that.

Mr. Mulholland:

This was long before Mr. Morrison became secretary of the A. F. of L.

685 The Witness (Interrupting):

This occurred prior to the time that I was Secretary. In a general way I understand that the President had authority to publish a journal under the title of "The American Federationist."

Mr. Mulholland:

To save your time I will hand you this resolution, if you desire. It is in the year 1893, page 39, Mr. Davenport.

Mr. Davenport:

I am after another thing. I will read from the Federationist, Vol. 6, being page 330—

686 Mr. Mulholland:

That is objected to for the reason that it throws no light upon any material allegation of the complaint; is absolutely immaterial in our opinion, and we would like to have the court examine it. It is a long article.

The Court:

What is the date of it?

Mr. Davenport:

1901.

The Court:

You may read that and ask him what you wish to.

687 Mr. Mulholland:

An exception.

Mr. Davenport:

Page 330. "American Federationist, official organ of the American Federation of Labor, circulates throughout the United States, Canada, Mexico, Cuba and Porto Rico, and goes to all affiliated National and International Unions; owned, controlled and published by the American Federation of Labor edited by Samuel Gompers, President of the American Federation of Labor."

Then on the next but one page following: "The American Federation of Labor was instituted in the City of Pitts-
688 burgh, Pennsylvania, November 13th——" or 15th——" 1881. The American Federation of Labor aims to unite all the working people of America in one general movement for their moral and material advancement. It seeks to organize and elevate all people employed in every branch of industry, and to promote all movements that are for the general good of our country. It is composed of International, National, State, Central and Local trade and Labor Unions.

"On October 31, 1900, the component parts of the American Federation of Labor were 82 National and International

Unions; composed of 9494 local unions, 16 state Federations, 206 city Central Labor Unions, and 1051 Local Unions, not attached to the National or International bodies. The number is much greater now. The total membership is over one million. This last membership must have an official mouthpiece in which all official reports and documents must be published, as well as to advocate their cause and to defend their interest. Therefore this publication, the American Federationist, was established by order of the convention of the American Federation of Labor in 1893. It is the property of the organization, and is controlled, edited, published, and issued by it. All profits accruing therefrom goes into the general fund of the organization. It is the only authorized publication of the American Federation of Labor. It is read by thousands of people in every part of the continent outside of the labor organizations as well as by the members of the American Federation of Labor. It contains articles in every issue from leaders in economic thought. Foreign correspondents keep the wage workers on this continent advised as to the trend of industrial affairs in other countries. The reports from organizers come from every state in the Union and Canada. They represent every trade and calling. No better, accurate, or more comprehensive resume of the latest industrial happenings is to be found anywhere. **689** **690** **691**

"The American Federationist contains much official matter which makes it invaluable to all members of organized labor. Its comprehensive survey of general economics makes it a most interesting publication to all classes of citizens.

Samuel Gompers, President of the American Federation of Labor and Editor of the American Federationist."

Q. Now is your understanding of the relation of the American Federationist to the American Federation of Labor any different than that set forth in that paper by the President? A. My understanding is that the President has authority to issue a magazine which is the official organ of the American Federation of Labor; that in that is printed the receipts and expenses over my signature, which is official. In it is printed the various circulars and resolutions that are sent out to various affiliated unions. And in addition are contributed articles, editorials by President Gompers and reports of organizers. Reports of organizers is the information that they give, and they are correct in so far as the organizers report it correctly. The number of contributed articles may or may not be in conformity with the policy of **692**

68[illegible] 693 the F. of L., but they are of such value that President Gompers publishes them. For instance, he has published many times very scurrilous attacks on the Federation by the Manufacturers Association, by representatives of the Anti Boycott Association, for news. And he endeavors to give what he believes is the policy of the American Federation of Labor, and in so far as that is concerned I will say it is the official organ, or the only official organ of the American Federation of Labor.

Q. I will inquire of you in the first place whether under the heading "official" it did not contain during the period
68[illegible] 694 from its institution, or from the tme you became its Secretary, down to March, 1908, under the heading of "official" notices of this character: "Notice, Headquarters of the American Federation of Labor, 423-425 G. Street, N. W. Washington, D. C. July 23, 1901. To all affiliated Unions. At the request of the Unions interested"—

Q. "At the request of the unions interested, and after due investigation an attempt at settlement, the following concerns have been declared unfair: Lovell & Buffington Tobacco Co., Covington, Ky. Joseph Fowler Shirt Co. Glen Falls, N. Y. Secretaries are requested to read this notice at union
68[illegible] 695 meetings, and labor and reform press please copy. Fraternally yours, Samuel Gompers, President A. F. of L."

Q. I will ask you if notices of that character did not appear in the magazine under that heading, "official."

Mr. Mulholland:

Objected to for the reason that the document itself is the best evidence.

The Court:

That is not what he asked. He asked if that publication contained articles of that sort.

Mr. Mulholland:

And he holds the publication in his hand.

68[illegible] 696 The Court:

Yes.

Mr. Mulholland:

We object to it for the reason that it is not the best evidence of the fact. Now we desire to object for another reason, that these matters in relation to the American Federation of Labor are not competent evidence in this case for the reason that the plaintiff cannot connect the American Federation of Labor with any boycott or alleged boycott upon his business or profits.

The Court:

They don't offer it for that purpose. **697**

Mr. Mulholland:

I would like to know what it can be offered for.

Mr. Davenport:

In support of the allegations of our complaint.

The Court:

Let him answer this question.

Mr. Mulholland:

Save an exception at this time.

A. I would like to see the book. (Examines book). This is the notice of the Lovell & Buffington Tobacco Company, page 389? Such notice appears here. **698**

Q. Under the heading of "official"? A. Under the heading of "official."

Q. Such as I read to you? A. As I remember it, yes, sir.

Q. I will ask you whether immediately following that did not appear the "we don't patronize" list of the American Federation of Labor?

Mr. Mulholland:

That is objected to as immaterial and not the best evidence.

The Court: **699**

You ask if that does not appear there?

Mr. Davenport:

Yes, your Honor.

The Court:

The book shows for itself, doesn't it?

Mr. Davenport:

It does, surely it does. The witness undertook to state what was the character of this document, this magazine. In your examination you elicited a certain statement from him, and I have called his attention to the fact that his statement was inaccurate and incomplete. **700**

Mr. Mulholland:

This witness happens to be the plaintiff's witness, and he was asked in reference to this matter.

The Court:

The court has in mind what has occurred about it. The cross examination was material to the examination in chief. The understanding of the court is that it did not change his testimony in chief. He explained in his answer more as to

701 the nature and character of that magazine, if you call it that.

Mr. Davenport:

Then I won't press the question, your Honor, any further.

Mr. Merritt (After a consultation with Mr. Davenport):

I was suggesting to Mr. Davenport, in view of the witness's statement that while it was the official magazine of the American Federation of Labor, nevertheless there was some matter in there which was unofficial, and that in the course of reading numerous extracts from these various exhibits the question might arise as to whether an extract was official or
702 unofficial and your Honor might feel that its admissibility depended upon whether it was official or unofficial, for that reason I do not think the witness should leave the jurisdiction while matters of this kind are being read.

The Court:

Do you understand that matters printed in that magazine what it terms "official" is other than "official"?

The Witness:

Where it says "official" it is official. But it contains contributed articles and answers and attacks of the enemies of labor organizations; the Anti Boycott Association, the Manu-
703 facturers Association, and other organizations that feel that with the success of labor and the securing of better conditions for workers it means so much money out of their pockets, though it is a benefit to the people that are to receive it, giving them a chance to educate their children, etc.

The Court:

It can be determined in the article whether it is official or unofficial, can it not?

The Witness:

Yes, I should think it would be very readily noted from the article as to whether it was official and represented the
704 Federation.

The Court:

I don't think you need worry about it, gentlemen. I want to ask just a question. Mr. Morrison, all of these organizations about which you have been inquired of are voluntary, are they not?

The Witness:

Voluntary affiliations, yes, sir.

The Court:

And none of them chartered?

The Witness:
They receive a charter of affiliation. **705**
The Court:
None of them chartered under statute?
The Witness:
Not that we know of. There may be—
The Court (Interrupting):
No corporations?
The Witness:
There may be one or two, but none that we know of, not that I have any recollection of now.
Note: The witness, **706**

MR. MORRISON,

is now called as a witness on behalf of the defendants.

DIRECT EXAMINATION

By Mr. Mulholland:
Q. Prior to the commencement of this action did you know of Mr. D. E. Loewe of Danbury, Connecticut? A. My first information in regard to this case was reading it in the newspapers. **707**
Mr. Davenport:
This is not part of our case.
The Court:
This is not cross examination?
Mr. Beach:
No, sir, this is to save bringing the witness back again.
Mr. Davenport:
It is part of your case?
Mr. Beach:
Yes.
Mr. Mulholland: **708**
We desire to ask this witness a few questions to save bringing him back.
The Court:
You may be permitted to do that.
Mr. Merritt:
We reserve the right to cross examine.
Q. You started in to answer the question? A. I said that the first information I had was reading it in the public press, that such a suit had been commenced.

709 Q. You testified that you are the secretary of the Executive Council, I believe, of the American Federation of Labor? A. No, I testified that I acted as Secretary.

The Court:

Acted as such.

Q. Have you acted as such secretary since your election,—that is, acted as secretary of this Council since you were elected Secretary of the American Federation of Labor? A. Ever since.

Q. When were you elected secretary of the American Federation of Labor? A. December, 1896, and took office
710 on the first of January, 1897.

Q. At all of the meetings of the Executive Council since that time you have prepared the minutes and been present at those meetings? A. With, I think, one exception.

Q. I will ask you as to what the fact is during the years 1902 and 1903 as to whether you attended the meetings? A. Yes, sir.

Q. During the years 1902 and 1903, or at any other time, was there presented before the Executive Council of the American Federation of Labor any application for the en-
711 dorsement of a boycott on the firm or the products of D. E. Loewe & Co? A. Not that I—not brought to my attention.

Q. Have you attended all of the conventions of the American Federation of Labor since your election as Secretary? A. Yes, sir.

Q. Has there ever at any time been any application presented to any convention of the American Federation of Labor for the endorsement of a boycott on the goods of D. E. Loewe Company? A. Not that I know of.

Q. Would you know if such were true? A. I would.

712 Q. Have the American Federation of Labor ever published the name of D. E. Loewe & Co. on any unfair list or boycotted list, I mean prior to the beginning of this suit? A. No, sir, not that I know of.

Q. Nor since? A. Not that I have any information of.

Q. Have the American Federation of Labor or the Executive Council of the American Federation of Labor at any time since the year 1900 taken any action of any kind whatsoever in reference to the affair of D. E. Loewe & Co. or its products? A. No, sir.

Q. In the complaint upon which this case is being tried there is an allegation to the effect that in the month of November, 1901, the defendants in this case procured the American Federation of Labor to declare a boycott against the goods of D. E. Loewe & Co. Is that a fact? A. It was never brought to my attention, if it is true. I have no information to that effect. **713**

Q. I think I was mistaken in the language of that last question. I will withdraw it.

Mr. Davenport:

You can't withdraw it, because you have got it before the jury. **714**

Mr. Mulholland:

We will leave it there then, only before the court and jury I will say that I was mistaken in the language of your complaint.

Q. In this complaint, Mr. Morrison, there is an allegation that the defendants in this suit, their confederates and agents, in November, 1901, caused the American Federation of Labor to declare a boycott against any dealer or dealers who handled the products of the plaintiff, the plaintiff referring to D. E. Loewe & Co. I will ask you if any such resolution was ever adopted by the American Federation of Labor or the Executive Council thereof? A. Not that I know of, and I have attended all the Executive Council meetings. **715**

CROSS EXAMINATION

By Mr. Davenport:

Q. Mr. Morrison, I will direct your attention to page 221 of the proceedings of the convention of the American Federation of Labor for the year 1901, and ask you whether or not Resolution No. 45 which I show you was not adopted by that convention (showing)? A. This resolution— **716**

The Court (Interrupting):

The question is was it adopted?

The Witness:

Not by the convention, no, sir. I was going to say that it was referred to the Executive Council. Instead of adopting it, it recommended that it be referred to the Executive Council and the report of the Committee was concurred in referring it to the Executive Council. No action was taken by the convention other than to refer it.

717 Mr. Davenport:

I will read the resolution.

Mr. Mulholland:

No, no, not without our objection. A resolution presented and not adopted? No action taken upon it except to refer it?

The Court:

I will look at it.

Q. I want to call the attention of the witness to the provision of that resolution—

Q. —which states "We hereby pledge ourselves not to
718 patronize any dealer or dealers who handle the product of non union hatters." Do you consider that that resolution does not apply to a boycott? A. It was not adopted.

Q. I am not talking about whether it was adopted, I asked you whether or not—

Mr. Beach (Interrupting):

I don't think that is a fair extract from the resolution. It was obviously a resolution suggesting a boycott on another firm, H. H. Roeloff & Co.

The Court:

Every manufacturer of hats?

719 Mr. Merritt:

Every dealer who handles the product of non union hatters.

The Court:

Since 1900?

Mr. Davenport:

Of which there were only twelve remaining at this time; according to the testimony.

Mr. Beach:

It isn't a boycott.

The Court:

Perhaps the court hasn't understood this correctly. My
720 understanding of the questions in chief was as to the plaintiffs here, as to any action on the part of the Federation relative to the plaintiffs and the boycott of the plaintiffs. Did I understand your question correctly?

Mr. Mulholland:

I think so.

The Court:

It didn't reach out to include all hat manufacturers?

Mr. Mulholland:

Not at all.

The Court:

So that these resolutions that you previously read here do not relate to these plaintiffs, but all manufacturers of hats. Is that right? 721

Mr. Mulholland:

That is right.

Mr. Davenport:

To the plaintiffs.

The Court:

How does that attack what he said in answer to the questions in chief?

Mr. Merritt:

If it doesn't attack, it at least calls for an explanation, for the American Federation of Labor in 1901 declared a boycott on any dealer who handled any non union hats and at that time there were only twelve non union manufacturers, of which the plaintiff was one. It also declared a boycott on any dealer who handled the plaintiff's goods, and that is one of the bases of the allegations of this complaint. 722

The Court:

Well, he may answer it.

Mr. Mulholland:

Save our exception.

(Last two or three questions and answers read.) 723

Q. I will ask you whether or not that was not a declaration of a boycott against any person coming under that description?

The Witness:

The resolution was not adopted.

Q. I want an answer to the question I asked. A. Your question is if that is not the language of a boycott?

Q. I say doesn't that describe a boycott of any dealer of any person that fell within that description, according to your understanding of a boycott?

Mr. Mulholland: 724

That is objected to as calling for a conclusion.

The Court:

That is proper; he may answer.

Mr. Mulholland:

Note an exception.

A. If that resolution had been adopted I judge that it might be taken to mean a boycott on dealers that handled without the label.

725 Q. "We pledge ourselves not to patronize a dealer or dealers who handle the product of non union hatters." A. Yes, but that resolution was not adopted.

Q. I was asking you whether in your comprehension of what a boycott is that did not accurately describe a boycott? A. My idea of a boycott is that we refuse to purchase the goods; we boycott them.

Mr. Davenport:

Of course, your Honor, it has already been testified to, or put in the report, by one of these defendants, in regard to this matter—

726 Mr. Merritt:

Two of them.

Mr. Davenport:

Two of them.

Q. I show you resolution No. 51 of the proceedings of the year 1899 (showing)? A. Yes, sir.

Q. Was that resolution adopted? A. No. 51 was adopted.

Q. I will direct your attention to it, to the part—

The Court (Interrupting):

727 Just let me look at that a moment. (Examines book.) You may read that part of it.

Mr. Mulholland:

What page is that on, Mr. Davenport?

Mr. Davenport:

Page 52 of the report of the proceedings of the convention of 1899.

Q. "Resolved, that we call upon all the International, National and Local Unions affiliated with the American Federation of Labor to give assistance to the United Hatters of North America in the unequal fight which they are at present

728 so manfully making against wrong and oppression, by refusing to patronize any dealer or dealers who handle the product of non union hatters." "Adopted."

Q. "And more particularly the product of the firm of F. Berg & Company of Orange, N. J. Adopted." Now do you say that that is a boycott according to your idea? A. That is a declaration not to patronize.

The Court:

Do you know about that resolution being adopted, Mr. Morrison?

The Witness:

729 I have no recollection, no, sir. Those resolutions go through one hundred to a hundred and fifty, and there is a stray word in here there that can be twisted most any way by astute counsel.

Q. Well now, returning to the resolution that I first directed your attention to. What action did the Executive Council take in pursuance of that resolution?

The Court:

You mean the first set you called his attention to?

Mr. Davenport:

Yes.

730

The Witness:

I don't recall, but the records will show.

The Court:

The record will show the fact?

The Witness:

The records will show what action was taken. If a favorable action was taken it will be published in the Federationist; and judging from the way the firm acted I wouldn't be surprised if favorable action was taken.

Q. We will see whether they didn't. I direct your attention to the report under the heading "Official" page 85 of 731 the American Federationist for February 1902 under the heading "Notice." (Showing).

Q. I will read to you this under the heading "Official." "Notice. Headquarters of the American Federation of Labor, 423-425 G Street, N. W.—"

Mr. Mulholland (interrupting):

May I state our objection before you read it, as not being material to this issue—

The Court (Interrupting):

You may have an exception.

Q. "Headquarters of the American Federation of Labor, 732 423-425 G Street N. W., Washington, D. C. January 3rd 1902. To all Affiliated Unions: At the request of the Unions interested, and after due investigation and attempt at settlement, the following concerns have been declared unfair: The National Cash Register Company, Dayton, O. The National Biscuit Company, Chicago, Ill. Henry H. Roeloff & Co., Philadelphia, Pa. Jamestown Street Railway Company, Jamestown, N. Y. Secretaries are requested to read this notice at Union meetings, and labor and reform press please copy. Fraternally yours, Samuel Gompers, President A. F.

733 of L." I will ask you whether or not that notice was not published in pursuance of action taken under that resolution? A. That either was taken in pursuance of the action on that resolution, or through some application that may have been made. That action I would be inclined to be of the opinion was as a result of action on the resolution; that is, that the Executive Council considered the resolution and decided in so far as that company was concerned that the request be granted.

Mr. Mulholland:

What company?

734 The Witness:

The company of Roeloff & Company.

Q. Your belief is then that this action was taken in pursuance of that resolution?

The Court:

That is what he says; that that is his best judgment about it.

The Witness:

My judgment also would be that that was the only action taken on the resolution; that the other part that you are talking about was not considered at all, that is, the part about

735 boycotting the firms handling non-union hats.

Q. Can you direct us to the minutes of the Executive Council of the meeting at which that action was taken? A. If there is such a minute, yes.

Q. Would a minutes be made of it? A. If the action was taken, yes. I should judge that action was taken on that resolution. Those things are referred to the Executive Council and they are acted upon.

Q. But the first resolution in the year 1899 was adopted absolutely by the convention? A. The record shows that, and I have got no reason to question it.

736

Q. Now Mr. Morrison, did you while this case was pending in the Supreme Court of the United States, file a petition for leave to intervene and be heard?

Mr. Beach:

I object to it as not cross examination.

The Court:

What date is this?

Mr. Davenport:

1907.

The Court:

737 How is that cross examination Mr. Davenport? As I recollect it the examination in chief referred to 1900 down to the bringing of this suit.

Mr. Beach:

We object to any questions founded upon the petition to intervene, on the ground that they were made at a time long after the commencement of this action, and are utterly immaterial to this case.

The Court:

I will pass upon it when I hear the question.

738 Q. I will ask you Mr. Morrison, whether or not you authorized the filing of that petition (showing)? A. It is—

Mr. Mulholland (Interrupting):

Answer the question yes or no.

Mr. Beach:

Answer it shortly, please.

A. Did I authorize this petition to be filed?

Q. Yes. A. Yes, sir, I agreed to it.

Q. When you stated in this petition the things stated in it, did you have in mind that the American Federation of Labor was not concerned in any way in the boycott of D. E. Loewe & Company?

739 Mr. Mulholland:

That is objected to as not proper cross examination.

The Court:

You may answer.

A. I don't quite understand the question.

Q. (Question read). A. Let me read it, it is some years. That was prepared by counsel. (Examines book.)

Q. (Question read)? A. We had no boycott on D. E. Loewe. We had on other corporations. That is, we had approved them. The Federation does not carry on boycotts, they only approve them. They endeavor to prevent a number 740 of them being—too many of them being used; rather, we endeavor to settle differences between the organizations; but there were a number of these firms on the "We don't patronize list," against which the Internationals were carrying on an active campaign; and the Federation has always held that they have got the right to refuse to patronize people unfriendly to them for good reason or no reason, and they felt that if this decision was against them it might handicap them in the work that they were doing.

741 Q. I want to bring specifically to your attention the statement in this petition.

Mr. Mulholland:

To which we object.

Mr. Beach:

We object to it as evidence of any boycott declared by the American Federation of Labor.

Mr. Mulholland:

An exception.

(Adjourned to tomorrow morning at 10 o'clock.)

742 Thursday, August 29th, 1912, 10:00 A. M.

Morning Session.

Frank Morrison on the Witness Stand.

(Jury called by the Clerk.)

CROSS EXAMINATION RESUMED

By Mr. Davenport:

(Exhibit 62.)

Mr. Davenport:

I will commence and read from where I left off: "In the 743 Supreme Court of the United States, October Term, 1907. No. 389. Dietrich Loewe et al. vs. Martin Lawlor et al. Appeal from the United States Circuit Court of Appeals, Second District. Petition of the American Federation of Labor, a voluntary association, Samuel Gompers, and Frank Morrison, for leave to intervene and be heard on the side of the defendants in error.

"To the Supreme Court of the United States:

"Your petitioners, the American Federation of Labor, Samuel Gompers and Frank Morrison, mentioned in the complaint herein, respectfully show: That said American Federation of Labor is a voluntary association heretofore organized 744 and having an office and place of business at the City of Washington, in the District of Columbia; that it has a constitution heretofore regularly adopted and a membership consisting of many other voluntary associations; that the said Samuel Gompers mentioned in the complaint as 'the chief agent' of your petitioner, is its president and chief executive officer, and said Frank Morrison is its secretary; that said United Hatters of North America mentioned in said complaint is one of the voluntary associations constituting said membership; that petitioners are financially and otherwise

interested in the decision of the above entitled case, and that a 745
decision herein in favor of the plaintiff in error would seriously obstruct and hinder the said American Federation of Labor, petitioner, in carrying out the purposes for which it was organized and destroy, at least to some extent, its usefulness to its members, and would likewise and in a like manner injure said members.

"Wherefore your petitioners respectfully pray that they may be permitted to file a brief and be heard on the side of the defendants in error herein, and for such other relief as to the court may seem proper.

"And in amplification of this petition, your petitioners re- 746
spectfully represent the following facts: First, that the constitution of said American Federation of Labor, petitioner, makes special provision for the prosecution of boycotts, so called, when instituted by a constituent or affiliated organization as is described in the complaint filed in the District Court by the plaintiff in error herein, through the agency and pursuant to the approval of the Executive Council of petitioner; but that what are alleged in said complaint to be boycotts are in reality legal and proper proceedings set on foot and carried on in order to accomplish lawful ends of your petitioner and of said affiliated or constituent associations.

"Second. That under the provisions of said constitu- 747
tion may so called boycotts have been and several are now being prosecuted by petitioner pursuant to approval of its said Executive Council.

"Third. That all said so called boycotts were and those now being prosecuted are, so prosecuted in good faith in the belief and with an understanding that to do so was and is the exercise of a right and privilege fully guaranteed and protected by constitutions and laws, and that in approving and prosecuting them your petitioners incurred no legal liability to any person, firm or corporation.

"Fourth. That the said Samuel Gompers and Frank 748
Morrison are party defendants in other actions involving, among others, the same issue that is involved in this case; and hereunder they specify that they with other defendants who are also defendants in this case, are co-defendants in an action now pending in the Superior Court of Fairfield County, State of Connecticut, in which the plaintiffs are the plaintiffs in this case, the issues being the same.

"Fifth. And finally, that your petitioners are financially and otherwise interested in having a full, fair and thorough

749 hearing and adjudication of the legal issues involved herein by the Supreme Court of the United States, and in this connection allege that they verily believe that the issues involved will be more clearly presented and fully considered if they be permitted to intervene and be heard on the side of defendants in error and to submit a brief to the court.

"Wherefore your petitioners pray for permission to file a brief herein on the side of the defendants in error in the above entitled case now pending in said Supreme Court of the United States on writ of error, and for such other relief as to the court may seem proper.

750 "The American Federation of Labor
"Samuel Gompers and
"Frank Morrison,
"By T. C. Spelling, Attorney."

Q. Now, Mr. Morrison, if the American Federation of Labor and you and Mr. Gompers had not been mixed up in this boycott against the plaintiffs how could you be financially interested in the decision of this case?

Mr. Mulholland:

That is objected to as not a proper question on cross examination, and an argument.

The Court:

751 Objection overruled.

Mr. Mulholland:

Exception.

A. That was an argument from a matter that was prepared by our counsel.

Mr. Davenport:

I must insist, Your Honor, that the witness make no more speeches and that he address himself to questions and answers. May the stenographer read the question?

(Question read by the stenographer)? A. What I was
752 going to say was this; that this was prepared by our attorney.

The Court:

Well, wait a moment; did you observe the question?

The Witness:

I observed the question.

The Court:

Is that your meaning that you are not financially interested and that the position was not correctly stated there?

The Witness:

No, sir; that was not the idea.

The Court:

Then you better answer the question and then explain. 753

The Witness:

And explain it afterwards. Well, my idea was that we were financially interested in all matters that would affect the voluntary organizations affiliated to us, and that would also affect the Federation itself, if the decision was—if the Supreme Court would decide that we did not have the right to purchase goods wherever we wanted to or refrain from purchasing goods—the explanation, perhaps will be a little long to express it just the way I see it, and I hope the court and the jury, and the counsel will assist me in giving as good an 754
explanation as I can. When this case came up to the Supreme Court it was bringing into operation against labor organizations the Sherman Anti-Trust Law, which when it was adopted it was understood—at least we understood that it did not cover labor organizations. We felt that if a decision was secured that it came under the provisions of the Sherman Anti-Trust Law and deprived us of the right of refusing to purchase goods from men or from companies that were unfriendly to us—in other words, that we were denied the right to say to our friends that these men are not friendly to us, that it would mean that it would hamper organized labor very ma- 755
terially and that it would amount—

The Court:

By that expression "not friendly to us" do you mean also to the union, that you would prevail upon those people in general who are not members of the union not to buy also of them; do you mean to include that in your statement?

The Witness:

Well, the American Federation of Labor dealt with its—with the membership that was affiliated to the A. F. of L. and the American Federation of Labor had nothing to do, of course, with this boycott on Mr. Loewe whatsoever. We had 756
no connection with it in any way whatsoever. Of course, we were surprised when the suit was brought and we were included.

The Court:

Were you included in the suit? A. In that regard we were also included in the suit when it was first brought.

Mr. Davenport:

You are entirely mistaken about that.

757 Mr. Mulholland:

I think the court ought to have that explained. There were two suits instituted about the same; one in the State Court and one in the Federal Court, and the American Federation of Labor and officers were made parties, I understood, in the case in the State Court, which is still pending in the State Court.

Witness:

That was what I had in mind; yes, sir. What I was trying to follow up was this. It meant a great deal, more than the lawyers know; it meant an effort on the part of the Federation
758 to try these cases up to the Supreme Court, and if adverse there to carry it through to get Legislation to bring about a remedy. I may say there was passed at the last Congress a bill which in the House of Representatives—

Mr. Davenport:

I must object to this.

Witness:

I will try to explain.

The Court:

You better omit that.

The Witness:

759 I was just going to say I don't want to—I would like, of course, to demonstrate to the court the expense it would be to our organized movement to carry on a campaign to secure an amendment to the law, that would take us out from under it; and we are working on that now, and we expect that it will come within a short time, notwithstanding the fact of the opposition of our distinguished representative of the Anti-Boycott Association, Attorney Davenport.

Q. Well, have you exhausted your explanation? A. Not yet. If you will permit, I have something else to say in regard to it.

760 Q. I asked you if you had not been concerned in the boycott—the American Federation of Labor had not, how you could be financially interested, and, as I understand your explanation is this is that you are liable for similar suits? A. That the International Organizations that were prosecutting boycotts would be.

Q. Well it was this particular boycott which is described in this complaint with all its details that were so emphatically endorsed and approved by you that a decision herein in favor of the plaintiffs would seriously obstruct and hinder the said American Federation of Labor, petitioner, in carrying out the

purposes for which it was organized, and destroy, at least to some extent, its usefulness to its members and would likewise and in a like manner injure said members. That the constitution of said American Federation of Labor, petitioner, makes special provision for the prosecution of boycotts, so called, when instituted by constituent or affiliated organization as is described in the complaint; what are alleged in the complaint to be boycotts are in reality legal and proper proceedings set on foot and carried on in order to accomplish lawful ends of your petitioner and of said affiliated or constituent associations? A. The proper procedure there is that the case should be investigated by the Executive Council in attempting a settlement. If they could not get a settlement with these various companies then the application of the International Union would be approved, and that if this case was decided by the Supreme Court that it came under the Sherman Anti Trust Law and prevented the American Federation of Labor or its voluntary organizations from discriminating against purchasing goods from its enemies, the enemies who were attempting to destroy the efforts of these unions to secure shorter hours and better conditions, and their representatives are today meeting us in the courts of every state trying to prevent us from securing shorter hours and better conditions, so that the workmen will be able to give to their children the advantages that they should have. **761** **762** **763**

Q. Well do you mean that it is the character of boycott that is set up in this complaint which the plaintiffs had before the Supreme Court of the United States is the kind that you want to pursue?

Mr. Mulholland:

That is objected to, if the court please, as not proper cross examination, what the witness may want to do.

The Court:

Well, in view of the voluntary statements of the witness, I think it is proper. **764**

Mr. Mulholland:

Exception.

The Court:

Does the witness understand the question, that you are referring to the boycott as set up in this declaration? A. That was not my idea. The central idea that I had in preparing this by the attorneys that we were opposed to the Supreme Court bringing Labor Organizations under the Sherman Anti Trust Law; and that if they did it would mean financial expenditure

765 to a considerable sum; and our whole thought, Your Honor, was to prevent an adverse decision so that we would not have to carry it on, which we have done for a number of years, to secure the proper atmosphere and education so that we could get a law passed that would take the labor unions out from under that.

The Court:

The question is whether it was of the class set up in this declaration? A. Well, the only thing that we intended was that we understood—

The Court:

766 The question is whether you did or did not intend to? A. So far as our attorneys prepared that, and so far as the direction of some part of it outside of the central thought that I had and on which I placed my signature, I don't know that I could answer that any further than I have made the explanation, to do it truthfully.

Q. Well, now, Mr. Morrison, let me recur to pleasant recollections in regard to this matter; I understood you to say yesterday that the first intimation that you had that you had been sued was in the newspapers; is that so? A. That is my best recollection I have of it, yes, sir.

767 Q. And you are a member of the Executive Council, or were you at that time? A. Yes, sir.

Q. And wasn't your Council then in session at Washington, D. C.? A. I don't recollect now.

Q. I will ask you to examine page 1190 of the American Federationist for the month of November, 1903, and ask you whether or not the Executive Council was not in session at that time? A. Well, the Executive Council, judging from the extracts was in session from September 21 to 25 of 1903.

Q. I will ask you whether the Executive Council of the American Federation of Labor made a report to the convention of the American Federation of Labor in the November 768 following 1903 held at Boston? A. Yes, sir.

Q. And did you unite in that report? A. I did.

Q. I want to call your attention to—reading from this report—the following.

Mr. Davenport:

Executive Council Report, Boston, Mass. November 11th, 1903, to the officers and delegates of the 27th Annual Convention of the American Federation of Labor, Greeting * * * * Recently a firm in Connecticut sued members of our United Hatters Association of North America and as-

sociated us in the suit for damages to the amount of $340,000. **769**
The suit was brought in both the Federal and the Connecticut State Courts. We have taken such action as will protect our rights and interests; as well as being helpful in every way we can to our affiliated organizations.

Mr. Mulholland:

Now I move that that be stricken out, because it refers to the other suit.

Mr. Davenport:

I am going to cross examine.

The Court:

That motion is overruled.

Mr. Mulholland: **770**

Exception.

Q. And I direct your attention to the proceedings of the Executive Council meeting held in Washington, D. C., September 21st to 25th, 1903, which has been shown to you, and identified by you, and—before I read it to you I ask you if you are acquainted with John A. Moffitt? A. Yes, sir.

Q. And were you in 1903? A. Yes, sir.

Q. And had he been for many years the President of the United Hatters of North America? A. Yes, sir.

Q. And were you acquainted with Patrick H. Connol- **771**
ley? A. I can't say that I knew him. I might know him if he came in here now, but not by name.

Q. Where is Mr. Moffitt? A. He is probably in New Jersey now.

Q. Well, is he in the employ of the American Federation of Labor as one of the Legislative Committee? A. He is at the present time.

Q. And has been there all last winter? A. Yes, sir.

Q. And in good health? A. Appeared to be.

Q. I read "John A. Moffitt and P. H. Connolley, representatives of the United Hatters of North America appeared in regard to suit for damages filed in the suit of the United **772**
Hatters of North America and the officers of the A. F. of L. by D. E. Loewe & Co., in the Federal Court for $100,000.00, and in the Connecticut Court for $240,000.00, against the United Hatters of America. Damages filed against the United Hatters of North America and the officers of the A. F. of L. The representatives of the United Hatters of North America stated that their attorney advised that it might be wisdom on the part of the A. F. of L. to have an attorney present when the case was heard in the State Court, so that

773 he would be familiar with and in a position to protect the interests of the A. F. of L. It was ordered that the matter of securing counsel to protect the interests of the A. F. of L. in the damage suit entered by D. E. Loewe & Co. at Danbury, Conn., be referred to President Gompers and Vice-President Duncan to take such action as occasion might warrant to protect the interests of the A. F. of L. and the executive officers there."

Q. Now, Mr. Morrison, have you as the Secretary of the American Federation of Labor and has the Executive Council, and has the American Federation of Labor not paid
774 large sums of money in defense of this action?

Mr. Mulholland:

That is objected to as immaterial.

The Court:

Well, it may be; ordinarily I should say that is right, but in view of the explanation given by the witness here as to what he meant by that position I think that is admissible as a matter of cross examination.

Mr. Mulholland:

Exception.

The Witness:

775 On the central proposition which I spoke of—mentioned some time ago, Your Honor, the Federation has spent considerable money, I don't know that it is what you call a large sum of money in the sense that Attorney Davenport figures money, but for a Labor Organization it is a substantial sum.

Q. Well, prior to September, 1911, did it not exceed $17,000? A. I couldn't say. The records will show all money that has been expended in the matter of an attempt to secure the legislation of the amendment to the Sherman Anti Trust Law, and amendment to the Injunction Bill.

Q. And in the defense of this suit? A. There was
776 money expended in this suit when it was taken up from the first decision to the higher court; attorneys were paid.

Q. Now, Mr. Morrison, as Secretary, you make reports to the Annual Convention of the Federation of Labor, do you not? A. Yes, sir.

Q. And did you not make a report in the year 1910 and the year 1911, as to the sums of money that have been expended by the Federation of Labor in defense of this suit? A. The Hatters case?

Q. Yes. A. Yes, sir.

Q. And the amounts and the per cent. to whom they were paid, and the purposes for which they were paid? A. Yes, sir. 777

Q. Are detailed there? A. That was appealing the case; after the decision was rendered. I have no recollection of any money being expended prior to that. That is what I had in mind.

Q. You mean prior to the decision? A. When this case came up first the Federation wasn't in it. It was only until after the—

Q. Your report to the Convention of 1910 and the report to the Convention of 1911 will be found in the report of the proceedings of this convention? A. Yes, sir. 778

Q. And they are accurate reports? A. Yes, sir.

Q. And the payments there stated to have been made by you are true? A. Yes, sir.

Q. Now that money was derived from payments made by all the members of the American Federation of Labor was it not?

Mr. Mulholland:

Objected to as not proper cross examination.

The Court:

He may answer.

Mr. Beach: 779

May I have another objection that it relates to matter long subsequent to the filing of this action.

The Court:

Well that would be true if this were not in the nature of cross examination.

Q. Now you can answer the question? A. The money was received from the various international unions—

Q. Well, an assessment was laid— A. And local unions.

Q. Upon every member, was it not? Assessed. 780

Q. A cent assessment was laid? A. Well the money was received from the hundred or so international unions which our members were affiliated to.

Q. Well it was assessed upon them according to their membership per capita? A. Yes, sir. It was paid as such.

Q. And it was paid on that basis; and I will ask you whether or not you do not recall that you received from the United Hatters of North America the payment of $170 on that assessment? A. The records will show that.

781 The Court:

Whatever the records show is correct? A. Yes, sir.

Q. Now, Mr. Morrison, I understood you to say last night that the American Federation of Labor had never declared a boycott against D. E. Loewe & Co.? A. I said that I had no information. The American Federation of Labor, as I understand, has never declared a boycott against anybody. We approved applications.

Q. Well, you act as Secretary of the Conventions of the American Federation of Labor do you not? A. Yes, sir.

Q. And make a report of their proceedings; and now I
782 will show you this and ask you whether or not that resolution was adopted by the American Federation of Labor (handing witness book)? A. What resolution is that?

Mr. Merritt:

It is the resolution of 1908.

Witness:

I have read this resolution.

Q. Was that adopted? A. Yes, sir.

Q. That is all? A. This resolution here in which they—

Q. I want to know whether that resolution was adopted by the convention and you say it was; now I would like to
783 take the book.

Q. Now I am going to read to you that resolution.

Mr. Mulholland:

To which we object, if the court please.

The Court:

You may read it.

Mr. Mulholland:

Exception.

Mr. Davenport:

"Resolution No. 99 by Delegate Lewis E. Kemper of the United Brewery Workers of America: Whereas for the past
784 five years the United Hatters of North America had been and are now contending with the non union hat firm of D. E. Loewe & Co. of Danbury to have established in said firm's factory humane conditions, towit: a fair earning power and reasonable working hours; and,

"Whereas, the said firm of D. E. Loewe & Co. having instituted suit against the United Hatters of North America under the Sherman Anti Trust Act for $340,000, and,

"Whereas, the said firm of D. E. Loewe & Co. has caused to be attached the homes and personal savings of two

hundred and fifty of the members of the United Hatters of North America, and, **785**

"Whereas the Supreme Court of the United States has decided that the firm of D. E. Loewe & Co. would be entitled to damages if the court finds that the company has suffered loss by reason of the withdrawal of the patronage of organized labor and its friends; therefore, be it

"Resolved, that we, the American Federation of Labor in 28th Annual Convention assembled do hereby pledge to the United Hatters of North America and especially to the two hundred and fifty members of that organization whose homes and bank accounts are attached, moral and such financial support as may be necessary in the pending contention; and, be it **786** further

"Resolved that the Executive Council of the American Federation of Labor is hereby authorized and instructed to take such action as will at the proper time carry these resolutions into effect.

"The Committee reported concurrence and recommended that the resolution be adopted. On motion the recommendation of the Committee was concurred in."

Now before I ask you a further question upon that I want you to turn to the committee page 228, same resolution, **787** Resolution 99 of Delegate Lewis Kemper, referred to the Committee on Resolutions. Now I will ask you to examine this and state whether or not John A. Moffitt, to whom you have referred, was not one of the members of that committee on resolutions (handing witness book)?

Mr. Davenport:

Well, John A. Moffitt, was a member of that committee, that is all; you needn't bother about it.

The Witness:

The records will show that.

Q. Now, Mr. Morrison, after the decision on the former **788** trial of this case, I will ask you whether or not the appeal from it was not taken by the American Federation of Labor to the Court of Appeals?

Mr. Beach:

Let us state the fact that after the verdict and judgment in the first trial were rendered, from that time on the American Federation of Labor has been paying counsel fees for the defense of this action in the Circuit Court of Appeals and for this second trial.

789 Mr. Davenport:

I will call his attention to something that will refresh his recollection on that.

The Witness:

You see after the Federation came in the Hatters left off. Now just the moment that we got in between the two we retained one of the attorneys that was familiar—Whether or not any action was taken to perfect an appeal prior to the time he came in, I don't know; but this resolution that was adopted at Denver authorized the securing of money to assist the Hatters; they were bankrupt and this case was being tried.

790 The Court:

Now, Mr. Beach, you can state what you understand the fact to be.

Mr. Beach:

I understand the fact to be that the American Federation of Labor did not contribute to the defense of this case, except in connection with their petition to intervene in the Supreme Court of Errors, until after the verdict had been rendered in the first trial and that then, acting in pursuance of that previous resolution they did come in and have ever since that time paid the expenses.

791 Q. Did you ever see that before (showing witness book)? A. I have.

A. You mean if I saw this editorial here?

Q. That statement? A. When?

Q. Any time before the present time, and whether you have seen it now? A. I think I have something similar to it in the contempt case in which I happened to be one of the defendants. I have no special recollection of seeing it there except where you read it.

Q. I will ask you now whether you don't know in the successive numbers of the American Federationist after the de-

792 cision by the Supreme Court in this case, and after the discontinuance by the Federation of the publication of the unfair list or "we don't patronize list" in the Federationist, there did not appear in nearly every issue down to and including July, 1908, and subsequently in this this statement? A. Well, I wouldn't say that because I don't know. The records will show it.

The Witness:

It is apparent that that is in there; the statement of that fact; the statement that there is no law—allow me to read that.

The Court: 793

Well, the question is whether you have seen it before or since.

Mr. Davenport:

Before.

The Court:

Seen that before? A. Well, in the contempt proceedings of Gompers, Morrison and Mitchell every little word that occurred in any editorial of President Gompers was brought up, and, of course, I have heard it read and I have seen it; and, in fact, for the first time when the case came up—that was the first time I noticed it. I don't read the 794
Federationist through. Sometimes I read President Gompers' editorials that are exceptionally interesting—they all are interesting, but just the words in the Federationist I can't say. That appears there but I would like to read it again, if you please to see just what it is.

Q. Well, I want to know of you whether or not you don't know that that appeared substantially in that form; that statement? A. It appears here in that form.

Q. And that it appeared repeatedly?

Witness:

Why this is the proposition, gentlemen. I say first that 795
there is no law compelling any person to buy or wear a Loewe hat. I don't think I ever bought one, and I don't think I ever wore one in my life, and there is no law compelling me to. That is a statement of a fact.

Q. Well, don't you recall that the same statement was frequently made in the Federationist in just that form? A. Well there has been statements made to that effect; or that may be the one that you have repeated so many times; and there may be others.

Q. Well, do you recall that Mr. Gompers made several 796
speeches to the working people of this country during the year 1908, in which he declared to that effect.

Mr. Mulholland:

Question objected to. If the question is finished I desire to object on the ground that it is subsequent to the date of the complaint, as not bearing on any material allegation of the complaint.

The Court:

Well, we will take it subject to your exception.

797 Q. I show you the Federationist for the month of March, 1908, as on page 192, the third paragraph, separate statement, and ask you to read it.

Mr. Beach:

We make the same objection, if Your Honor please.

The Court:

The same ruling.

Q. Will you read it or shall I? A. Well, you are a better reader, but I, perhaps, will be able to do it all right (reading), "It should be borne in mind that there is no law, nay not even a court decision compelling union men or their
798 friends or the friends of labor to buy Buck stove or range; not even to buy a Loewe hat."

Q. And on page 279 at the bottom of page 279 another separate statement, separated by a line.

Mr. Beach:

The same objection.

The Court:

The same ruling.

Mr. Mulholland:

Exception.

A. "It should be borne in mind that there is no law
799 aye not even a court decision compelling union men or the friends to buy a Buck stove or range, no not even to buy a Loewe hat."

Q. Bottom of page 531, July Federationist for 1908. "Nor has any decree been issued compelling any one to buy Loewe hats. Now to go back to June, 1908, on page 467 at the bottom of the first column and the top of the second column.

Mr. Davenport:

"I might say just parenthetically about the Hatters Case that you are not now permitted to boycott Loewe hats, but I want to call your attention to the fact that there is no law
800 compelling you a Loewe hat nor has any judge issued a mandamus compelling you to buy a Loewe hat. That applies equally to Buck stoves and ranges; and, by the way, I don't know why you should buy any of that sort of stuff; I won't but that is a matter to which we can refer more particularly in our organization." Now, Mr. Morrison, in view of this statement—or just before I propound this interrogatory to you I ask you how extensive was the circulation of the American Federationist during 1908? A. I don't know how extensively it circulated; on what basis do you mean?

Q. Take the issue in the first place? A. The number published? Somewhere between 7 and 9 thousand I think; I think it was 7,000. **801**

Q. Now I ask you whether or not the proceedings of the Convention of the American Federation of Labor were not printed in large numbers and distributed? A. Not very large.

Q. How many? A. I am not quite sure as to the number enough to supply the—

Q. Are there not between six and nine thousand? A. Oh, I think not more than seven thousand.

Q. About seven thousand at least? A. Probably nine thousand—seven thousand—six thousand—seven thousand. **802**

Q. Well, these records go out; to whom do they go? A. They just go to the officers of the organization; those that want to purchase them; I think we purchased a number.

Q. To what organizations did you send the proceedings? A. Secretaries of the organizations and Secretaries of the International.

The Court:

Why don't you put that in a general question that can be objected to?

Q. I will ask you Mr. Morrison whether or not, in view of what has been read to you; declarations in these succeeding numbers of the Federationists, by Mr. Gompers, President of the American Federation of Labor, you still adhere to the statement that there has never been any boycott prosecuted against the Buck Stove and Range Co.? A. Buck Stove and Range Co.? **803**

Q. Oh, no; against the plaintiff here? A. Yes, sir; but I desire to make an explanation.

Q. Well? A. The Federation does not prosecute boycotts. They approve applications after they have made an effort to adjust them.

Mr. Davenport: **804**

I call your attention to statement in your petition to intervene that "under the provisions of said constitution many so called boycotts have been and several are now being prosecuted by petitioners pursuant to approval of the said Executive Council"? A. Don't the context show that they are all affiliated organizations—carried on by affiliated associations; associations affiliated to—irrespective of—

Q. Yes; well now do you know Martin Lawlor? A. Yes, sir.

805 Q. One of the defendants here? A. Yes, sir.

Q. Do you know whether he went as a fraternal delegate to a convention of trade unions in England, in 1903? A. Give me a copy of it and I will tell you.

A. The records will show that any way; everything is in the record pretty near.

Q. As Secretary of the American Federation of Labor you are in correspondence with all the subordinate unions directly affiliated to the American Federation of Labor, are you not? A. Yes, sir; pretty near all of them.

806 Q. And you make a report to the convention in regard to that annually, which will be found in the records here? A. Yes, sir.

Q. Now I will ask you whether or not the Washington State Federation, the Oregon State Federation, the San Francisco State Labor Council, or rather the California State Federation, and the Pennsylvania State Federation, were not affiliated to the American Federation of Labor in 1903? A. They are affiliated now and the record will show whether they were affiliated at that time or not.

807 Q. Now I ask you whether or not the Tacoma Trades Council of the State of Washington, the Portland Federated Trades Council of Oregon, the Richmond Central Labor Union of Richmond, Virginia, the San Francisco Labor Council, the Seattle Central Labor Union of Washington, the Western Central Labor Union of Washington, the Astoria Central Labor Union of Oregon, the Alameda County Federated Trades Council, the Central Labor Trades Council of Alameda; the Building Trades Council of San Francisco, California, the Federated Trades of Atlanta and Central Labor Union of Pittsburg, Pennsylvania, were not all affiliated with the American Federation of Labor? A. Well, the Building Trades Council was not affiliated, that of San Francisco.

808 Q. But were the others? A. I think that the others, except possibly Tacoma may not have been at that time; some times they have been suspended; there might be others there that have been suspended.

Mr. Davenport:

Well, now; I think you may inquire.

Mr. Mulholland:

That is all, Mr. Morrison.

(Witness excused.)

Recess.

809

SAMUEL GOMPERS

called by the plaintiff and

EXAMINED

By Mr. Davenport:

The Clerk:

Be sworn, Mr. Gompers.

Mr. Gompers:

Wait, I affirm.

(Mr. Gompers affirmed by the clerk.)

Mr. Gompers: 810

I so affirm.

Q. Mr. Gompers, I think I can abbreviate very much now the examination; where do you reside? A. New York City.

Q. And temporarily sojourn at Washington? A. I do, sir.

Q. And you are the President of the American Federation of Labor? A. I am, sir.

Q. Raise your voice a little; and that institution has its headquarters in Washington, D. C., has it not? A. It has.

Q. And will you state how long you have been connected with that organization? 811 A. First, it is not an organization it is a Federation of Organizations. It was instituted in 1881 at Pittsburg, Penn. I have been a delegate to nearly every one of the conventions from and including that year.

Q. I will ask you whether or not you have been the president of that organization with the exception of one year at any rate since 1886? A. Yes, sir.

Q. And do you now recall what year it was that you were not president? A. Mr. John McBride was elected president in the Denver Convention of 1894, and he took office on the first of January immediately following and was president for one year, when I succeeded him. 812

Q. Now, Mr. Gompers, you have been editor of the American Federationist, have you not, ever since its establishment, with the exception of the year that Mr. McBridge was President? A. Yes, sir.

Q. Before I ask you to identify this, I want to ask you this question: do you know Martin Lawlor? A. I do.

Q. One of the defendants here? A. I do.

Q. And I will ask you whether or not you recall that he was a fraternal delegate from the American Federation of

813 Labor to the British Trade Union Congress in 1903? A. I know that he was a delegate; whether it was that year or the year preceding or succeeding, I am not quite sure.

Q. Well there appears in the American Federationist for November, 1903, what purports to be an address by him published in the Federationist on pages 1052, 3 and 4, and I will ask you whether or not you received that from him (showing witness book)? A. I received it, but as to whether I received it from him I cannot say.

Q. Well, it is his address, is it not? A. I do not know, sir; I did not hear him deliver it; I only know that I received

814 it and purporting to be his address.

Q. It is published in the American Federationist? A. Yes, sir.

Q. Mr. Morrison became Secretary of the American Federation of Labor in January 1897 following the convention of 1896, and I have here introduced in evidence a number of the American Federationist copies that antedate in some respects that date, and I would ask you to examine them and state whether or not they are the American Federationist? A. From looking at them in your hands I identify them as copies of the American Federationist.

815 Q. Perhaps you recall that you let me have them? A. Let you have anything that you want in the archives of the American Federation of Labor; have done so and am still open to that offer to you or any one else.

Q. Now, as President of the American Federation of Labor you are ex officio editor of the American Federationist, are you not? A. No, sir; not ex officio, actually.

Q. The Constitution requires— A. No, sir; a resolution adopted by the Convention of the American Federation of Labor in 1893 directed the President of the American Federation of Labor, with the advice of the Executive Coun-

816 cil to issue a monthly magazine for its educational effect and for the presentation of the laborer's side of the labor question, and under the authority of that resolution the American Federationist is published.

Q. And the Editor is the President? A. The President was authorized to issue it by and with the advice of the Executive Council, and the President by their—by force of his office becomes editor of that publication.

Q. And you were editor except during the year when Mr. McBride was President, when he was editor? A. I have already answered that question in the affirmative.

817 Q. Now as President of the American Federation of Labor, are you one of its Executive Council? A. I am, sir.

Q. And is that composed of the President, the Treasurer, the Secretary and the Vice-Presidents? A. Yes, sir.

Q. Does the Executive Council make reports to the annual conventions of the American Federation of Labor? A. I did not catch the full purport of your question.

Mr. Davenport:

Read it.

(Question read by stenographer.)

A. Yes, sir.

818 Q. And have you joined in all the reports during the time that you were President? A. I think that there was one report in which I did not join; that one at Detroit some twelve years ago when I met with an accident and was incapacitated from performing the duties of my office for some considerable period of time; but my mind is not absolutely certain as to whether I did join in the making of that report or whether I did not.

Q. And did you make report as President also to the conventions? A. I did, sir.

Q. I will ask you whether or not the reports given in the proceedings which have been identified here as made by you 819 any by the Executive Council were actually made?

Q. Were actually made? A. Yes, sir; as they are found in the printed proceedings of the several conventions.

Q. I observe in these volumes of the American Federationist that from time to time there appear what purport to be minutes of the Executive Council, meetings that are held usually quarterly, headed official; I will ask you whether or not these are accurate? A. Generally speaking they are. If I may, I should like to explain in regard to them. The duties of the office of President of the American Federation of Labor are varied and important, they are diversified; perhaps it is not 820 generally understood—I think you, Mr. Davenport, understand probably better than any other man outside of the labor movement. Frequently I have to travel, adjusting disputes, delivering lectures, conferences with employers and others, appearing before scientific societies, universities, correspondence, editing papers, editing the American Federationist, the literary work and all the responsible work cannot be accomplished by one man and he has assistant; that is I have assistants, I ought to have said that three years ago having been elected as a delegate to an international congress I visited Europe to attend

821 that conference and during that period, of course, it was simply impossible for me to give the routine work the attention that I ordinarily do; but when traveling, as for instance, last September, or last fall,—last summer and fall, when I am away from the office the duties are very pressing in other matters, it has occurred that minutes have been turned over to one of my assistants and the minutes have appeared as that assistant may have seen it; and I believe they have been generally correct; but as to any specific question whether it is or is not correct I could not now state except when I performed that duty myself. It may be interesting to know that the letters

822 which I wrote from Europe and which were published in the press of the country, as they appeared in the American Federationist they rather disappointed me.

Q. You are one of the men, I think, that don't like very much to read all you write after it is written? A. I am very glad that it is finished.

Q. Well, now, Mr. Gompers, you know John Phillips, do you not? A. Yes, sir.

Q. For many years? A. Yes, sir.

Q. Secretary of the United Hatters? A. Yes, sir.

Q. Both before and after that organization became

823 affiliated with the American Federation of Labor did you not? A. Yes, sir.

Q. And do you know John Moffit? A. I do.

Q. Did you know him when he was President of the United Hatters? A. I did.

Q. And do you know now where he is? A. Not at this present day. He was in Washington for several months, and I saw him there on the day that I left—that is day before yesterday. He then was about to go to his home in Orange, N. J.

824 Q. Was he in good health? A. He seemed to me to be so, sir.

The Court:

Is there anything further from this witness?

Mr. Beach:

Nothing in the way of cross examination. I think I should like the privilege if the witness is here from Washington to take him for my own for a short examination.

The Court:

You may.

Mr. Davenport: 825

By the way, I want to ask him a question that I forgot.

Mr. Beach:

All right.

By Mr. Davenport:

Q. Mr. Gompers, do you know whether or not a large number of the unions affiliated to the American Federation of Labor publish a trade journal? A. Quite a number of them, sir.

Q. And do you know about how many? A. I do not—accurately. 826

Q. The statements in regard to it contained in the reports? A. Yes, sir.

Q. I will ask you whether or not you received these at headquarters? A. They are received at headquarters; I don't receive them.

Q. You mean that you do not actually receive them by that; I suppose they are accessible to you? A. The entire offices are accessible to me. There are a number of departments; that is one of the departments which I do not often visit; I can't; too much to do otherwise. Sometimes special articles in the journals are brought 827 to my attention; otherwise I wouldn't attempt to—

Q. Well, as Editor in Chief of the American Federationist, don't the journals of these organizations come under your eye? A. Some times.

MR. GOMPERS

is made a witness for the Defendants and

EXAMINED

By Mr. Beach: 828

Q. I observe in the certificate of affiliation issued by the American Federation of Labor to the United Hatters of North America a statement made, as follows: "We hereby pledge ourselves individually and collectively to be governed by the Constitution, Rules and Usages of the American Federation of Labor, to wit: to reserve the right to preserve the autonomy of self government of our organization subject to such rules and regulations as may be made or are now established in our organization above

829 named." What if any rules and usages did the American Federation of Labor have in 1896 and down to 1904 outside of those that are stated in its constitution or constitutions which were in force during those years? A. The word usage is entirely superfluous. The rules applies to the ordinary parliamentary procedure of the conventions of the American Federation of Labor. I framed the language of those certificates; that was in 1887; I was at the time habituated to the use of the ordinary triplets of language which are synonymous with each other rather than the actual meaning of the phrase. What is meant **830** by it and what I had in mind was the constitution of the American Federation of Labor, for we have no other laws than the constitution; we have only rules which govern the convention, parliamentary procedure and there are no usages.

Q. I was going to ask you that question as to the usages; whether or not the usages of the American Federation of Labor have during the times which I have referred to in my last question been uniformly in accordance with the constitution of that institution as it existed from year to year? A. Yes, sir.

831 Mr. Merritt:

He just testified that that there were no usages.

Q. Well, the practice, use the words practice, of the American Federation of Labor. Has it not been in accordance with the constitution prevailing at the time? A. It has.

Q. You had an Executive Council; did that Executive Council at any time promulgate any rules for the conduct of the affairs of the American Federation of Labor? A. None.

Q. Or for the conduct of the affiliated unions? A. **832** It did not, for it possessed no such power.

Q. I asked you, Mr. Gompers, as to the facts, not as to the powers? A. It did not. The Executive Council did not.

Q. And will you tell me what is meant by these words in the language which I read to you, "with the reserved right to preserve the autonomy or self government of our organization, subject to such rules and regulations as may be made or are now established in our organization above named?" A. The affiliated organiza-

tions surrender no right—let me phrase it properly—or- 833
ganizations desirous of becoming affiliated to the American Federation of Labor surrender no right or power which they exercised prior to affiliation, nor do they surrender any autonomous right of self government in becoming affiliated to the American Federation of Labor; and if I may explain a little upon that question it may be somewhat interesting.

Q. Don't take any unnecessary time, Mr. Gompers, but if there is anything you have in mind relative to the question I asked you— A. In the old form of organization under the Knights of Labor the power was wielded 834
from above, autocratic power, in which the subordinate organizations had no autonomous power of party government and suffering from that form of organization and power I had in mind to try to secure the autonomous right of self government to the organizations which made up and constituted the American Federation of Labor.

Q. Now what as in the case of the United Hatters of North America, the organization which does affiliate with the American Federation of Labor—

Q. I will ask it as a matter of practice then; does your American Federation of Labor exercise any juris- 835
diction or control over the local unions comprising the United Hatters of North America? A. It does not.

Q. Or has it in the past? A. It has not.

Q. Now I want to restrict my question in order to avoid unnecessary cross examination or opening issues that are not material, to the period between 1896, when the United Hatters joined this American Federation of Labor, and 1903, when this suit was instituted, and your answer is true is it of that period? A. It is, sir.

Q. I do not claim any other part of the answer except that. Whether or not the American Federation 836
of Labor exercises any jurisdiction or control over the individual members of the local unions comprising the United Hatters of North America? A. It does not.

Q. And during the period that I named in my last question, did it exercise any jurisdiction or control over said individuals? A. It did not.

Q. I call your attention to Section 7 of Article XII of the Constitution as it appears in the report of the proceedings of the New Orleans Convention of 1902,

837 that being as Mr. Morrison has testified, the constitution which was in effect from Jan. 1st, 1903, to December 31st, 1903, as follows: "Section 7. No central labor union or other central body of delegates shall have authority or power to originate a boycott, nor shall said bodies endorse and order the placing of the names of any person, firm or corporation on the unfair list unless and until the local union desiring the same has before declaring the boycott submitted the matter in dispute to the central body for investigation, and the best endeavors on its part to effect an amicable settlement." And
838 I will ask you whether the practice has or has not been in accordance with the language that I have just read? A. It is.

Q. And was it so?

Q. I am talking about the American Federation of Labor. And so far as you know have or have not central labor unions or other central bodies, and everybody associated any rights under this constitution to declare any boycott, or to place the name of any person, firm or corporation on the unfair list except in accordance with said section? A. When at any time any central body
839 affiliated to the American Federation of Labor has violated that rule—that constitutional provision, and the attention of the Executive Council, or myself or Secretary Morrison has been called to it, the organization has been disciplined if found to be—if the complaint has been found to be true; that has been an invariable rule—practice.

Q. Your attention was called to a list of central bodies and you were asked just now whether they were affiliated— A. That was Mr. Morrison.

Q. Oh, that was Mr. Morrison. I beg pardon (to
840 Mr. Davenport). Then give me your list, will you, have you got that list of organizations that you read. (Mr. Merritt hands list to Mr. Beach.)

Q. I will ask you whether the following named organizations were or were not—

Mr. Beach:

This is, and I ask the stenographer to copy it into the record. (This list will be found on pages 442 and 443.) I call your attention to that list of stated federations and trades councils of various cities—it is not necessary to read it now—concerning which Mr. Morrison

testified that they were directly affiliated with the American Federation of Labor and I will ask you whether these bodies are or not governed by Section 7 of Article XII which I have read to you (list handed to Mr. Gompers by Mr. Merritt)? A. I think they were affiliated to the American Federation of Labor. **841**

The Court:

And all governed by that?

Q. That is the question, whether they all come within the phrase "Central Labor Union or other Central Bodies and Delegates?" A. Yes, sir.

Q. So as to be governed by Section 7 of Article XII of the Constitution of the American Federation of Labor? A. Yes, sir. **842**

Q. With the exception of the building trades council these bodies are affiliated and are governed by Section 7, Article XII? A. Yes, sir.

Q. I call your attention Section 4 of Article IX of the Constitution of the American Federation of Labor as it existed in the year 1903, reading as follows: "The Executive Council shall also prepare and present to the Convention in printed form a concise statement of the details leading up to approved and pending boycotts and all matters of interest to the Convention; and no endorsement for a boycott shall be considered by the Convention except it has been so reported by the Excutive Council." Will you state what, in point of fact, has been the practice of the American Federation of Labor during the years 1896 to 1904 in that regard? A. The practice has been in absolute accord with that constitutional section which you have just read and there have been no departures from it. **843**

Q. Has or has not the convention acted directly in the matter of approving boycotts without the intervention of the Executive Committee? A. It has not. **844**

Q. There was a resoltuion introduced here relative to Messrs. Berg & Co., did you hear that read? A. Heard it read this morning, yes, sir.

Q. That appears to be a resolution approved or adopted by the convention; do you know whether that matter had been reported upon before the adoption of the resolution? A. It had.

845 Q. Mr. Gompers, is there or not any rule, regulation or practice of the American Federation of Labor authorizing the declaration or approval of boycotts by the American Federation of Labor during the years 1902 and '3 except in accordance with Section 4, Article IX of the Constitution as I read it to you? A. There has been no practice or rule at variance with that Constitutional provision.

The Court:

Section 4, Article IX.

Mr. Beach:

846 Section 4, Article IX, as it is printed in the proceedings of the convention of 1902 and was in force in the year 1903. We can ascertain from an inspection of these papers whether that was in force.

Q. I desire to ask you a few questions in regard to the so-called organizers employed by the American Federation of Labor; how many salaried organizers did the American Federation of Labor employ in 1902 and '3, if you recollect—if you don't recollect the exact number—A. Not exactly, but I am of the opinion about twelve—fifteen.

847 Q Did the number or not vary from time to time? A. It did in accordance with the means of the federation.

Q. And whether or not those organizers were accredited by written credentials? A. They were.

Q. Or commissions? A. Yes, sir; printed and written.

Q. I mean printed or written? A. Printed and blank spaces filled in for the names, dates and term of the appointment.

Q. Look at this printed matter which I now show
848 you and tell me whether or not that is the form of commission to organizers which was used by the American Federation of Labor for the years 1902 and '3? A. That is the printed form.

Q. By permission of counsel I read from this printed record in lieu of the original exhibit which will probably be somewhere there in the files. I read the form as follows: On the left hand side at the top "labor omnia vincit" and on the righthand side "Organizer's commission. American Federation of Labor, Office of Presi-

dent, Samuel Gompers, 423-425 G. Street, N. W., Wash- **849**
ington, D. C." Date blank "To all whom it may concern: This is to certify that" blank left for the name "is hereby duly authorized and legally commissioned to act as" blank, and then between brackets "which is general or special" and then a blank for either city or town in the United States or the Continent "with power and authority to found and install local or Federal labor unions under the jurisdiction of the American Federation of Labor; to obligate and initiate members and install officers, in accordance with the laws of the National or International Union of the trade or calling of which the Union **850**
is composed, or if a local trade union of which no national or inter-national union exists, or if a Federal Union, then in accordance with the laws of the American Federation of Labor, and in conformity with established usages and customs. This commission to remain in full force and operation for year from date unless revoked previous to the expiration of said term. Given under my hand and the seal of the A. F. of L. this," blank line "day of" blank day blank "1909, Seal" blank line "President American Federation of Labor;" Whether or not, Mr. Gompers, that was the only form of commission which had been **951**
used by you or the American Federation of Labor for organizers during the years 1902 and '3? A. The only form of commission.

Q. Were those organizers given any other authority or instruction than as stated in this commission? A. None whatever.

Q. Were they supplied with any blank upon which to report to officers of the American Federation of Labor? A. They were.

Q. And were those blank forms written or printed? A. They were printed. **852**

Q. Look at the printed matter that I now show you and tell me whether that is or is not a sample of the form supplied to those organizers for them to report back to the officers of the American Federation of Labor? A. That is the printed blank; copy of it was sent to each of the organizers whether they were salaried or voluntary organizers.

Mr. Beach:

Very well then, I will have this marked for identifi-

853 cation. The paper referred to is supposed to be on page 480 of the old printed record. (Marked "Defendant's Exhibit A for Identification").

Q. Mr. Gompers, will you state whether or not the United Hatters of North America or any officer or agent ever requested that the American Federation of Labor, prior to the year 1904 should declare the firm of D. E. Loewe & Co. unfair or endorse any boycott against the business of that concern or any of its customers? A. No, it did not. There never was any communication in writing, by word of mouth, or in any direct or indirect man-

854 ner, any intimation, much less application made for such a boycott. It was not a subject of correspondence or conversation between the officers of the American Federatin of Labor or the officers or the representatives of the United Hatters of North America or from any other source. I cannot make—I cannot find language to make the statement absolute and unequivocal that no matter of a boycott—

The Court:

That would answer the question, Mr. Gompers.

Mr. Beach:

855 Yes, that is the answer to the question; and I desire to say, as I said before, that I claim no part of the answer except that which relates to the period specified in the question.

The Court:

That is prior to 1904?

Mr. Beach:

Prior to 1904 and leave it there.

Q. Now, to be specific, I call your attention to the fact that it is alleged in the bill of complaint that the defendants in this suit, their confederates and agents, in

856 November, 1901, caused the American Federation of Labor to declare a boycott against any dealer or dealers who handled the product of the plaintiff; is that true? A. It did not. It is not true.

The Court:

What clause of the declaration did you read?

Mr. Beach:

I am reading from the latter part; I will give your Honor the folio. Folio 42, printed record, the latter part of that folio.

Q. I call your attention to a resolution which was offered at the Convention of 1901, and has been read in your hearing to Mr. Morrison while he was upon the stand, relative to a contest between the firm of H. H. Roelofs & Co. and the United Hatters of North America which it appears from the printed record of that Convention was referred to the Executive Council, and I ask you if you recollect what, if any action was taken by the Executive Council relative to that resolution? A. I do. **857**

Q. State what the action, if any, was? A. Through the action—or through the instrumentality of the late Senator Frye of Maine who was a very dear friend of Mr. Roelofs, I had an interview with Mr. Roelofs and endeavored to bring about an adjustment of the trouble between his company and the hatters. Failing in that and investigating the cause of the dispute, and finding that the hatters were justified in their position, I returned to the Executive Council and the action of the Executive Board was in regard to Mr. Roelofs, and it took no further action in regard to any other portion of the resolution referred to it by the Convention. **858**

Q. And how, if at all, is the action of the Executive Council you have just referred to expressed in the record? **859**

Mr. Merritt:

What record?

Mr. Beach:

In any printed record.

Mr. Merritt:

I object to that, I want the record.

Recess.

Afternoon session, August 29, 1912.

SAMUEL GOMPERS **860**

on the stand.

EXAMINATION

By Mr. Beach:

Q. I have forgotten what the last question was, but I will put another one because I have found now the reference I had in mind. Calling your attention, Mr. Gompers, in the American Federationist for February, 1902, as follows: "Headquarters of the American Federation of Labor 423" &c. "Washington, D. C. To all affiliated

861 Unions. At the request of the Unions interested, and after due investigation and attempt at settlement, the following concerns have been declared unfair: The National Cash Register Company, Dayton, O. The National Biscuit Co., Chicago, Ill. Henry H. Roeloff & Co. Philadelphia, Pa. Jamestown Street Railway Company, Jamestown, N. Y. Secretaries are requested to read this notice at Union meetings, and labor and reform press please copy. Fraternally yours, Samuel Gompers, President A. F. of L." And I ask you if that notice, as far as the Roeloff Company is concerned, was published in pursu-
862 ance of an action of the Executive Council of the American Federation of Labor? A. It was.

Q. And that is the notice that was published in consequence of the action which that council took upon the resolution to which attention was called before lunch? A. Yes, sir.

EXAMINATION

By Mr. Davenport:

Q. Mr. Gompers, how old are you? A. 62 years past. I was born in 1850.

863 Q. And I suppose there is no doubt about the fact from what you have stated yourself and from what will appear further, that you have been an extremely busy man for the last 30 years? A. I have.

Q. Multiplied affairs. I am going to read to the court and jury by and by a statement that you have made in regard to those duties. Now, Mr. Gompers, your testimony covers a long period of years, and the operations of a vast organization, and conventions—well, say nearly 30 conventions, and do you give your testimony here after having examined recently the proceedings of
864 those conventions? A. No, sir.

Q. You depend upon your very excellent memory? A. I depend upon the best recollection I have.

Q. Surely; and wherever your testimony that you have given here under the circumstances shall conflict with the record that may be introduced here, I suppose you wish to be understood as subject to correction by the record? A. If the record is correct.

Q. Well, such record as is published and introduced in evidence here? A. If the record is correct and it

varies with any statement that I have made, then I have depended upon my best recollection. 865

Q. Surely. And I can say this much, that I don't believe anybody has got a better memory. Now, Mr. Gompers, coming down a little more in detail. When you have stated anything in your report during a certain year, the statements made there you would defer to rather than those given upon your hasty recollection here now, would you not? A. Well, it is not a hasty recollection.

Q. Well, the recollection that you have given? A. Yes. 866

Q. And so of the reports of the Executive Council and so of the statements that you have made in the Federationist, I assume that in your testimony it is testimony given subject to correction in that way? A. It is testimony given to the best of my recollection.

Q. Well, now, let me come down to a particular phase of your testimony, particular subject of your testimony (I am now cross examining the witness with reference to what has been introduced, your Honor) your attention was called by Brother Beach to a certain clause of the constitution prohibiting central labor unions from 867 declaring boycotts on their own initiative, and prohibiting them upon an application of any Local Union from declaring them unless there was an investigation made. You are under the impression, if I remember, that you drew that resolution, that provision, and that you had in mind certain things. Are you quite right about that? A. I did not say, nor testify that I drew that provision.

Q. Oh, I understood you to? A. I didn't say so.

Q. Well, that is an immaterial matter. That is resolution No. 12, wasn't it, of the convention at Scranton in 1901, introduced by the Typographical Union, and re- 868 ferred to the committee on laws. There is a committee on laws, which means a committee on provisions to amend the constitution, does it not? A. Yes.

Q. Referred to that committee, reported back, and adopted after that? A. I have no recollection that the resolution to which you refer was introduced by the delegates from the International Typographical Union; it may be so.

869 Q. Well, it will be all here. Did it escape your attention that that provision is absolutely aside from anything that is germain here? A. I don't know whether I am competent to judge as to what is germain here.

Q. I don't know as you are, but it speaks for itself. The resolution speaks for itself.

Q. I am going to pass that now. Don't you find, Mr. Gompers, that your recollection of events of 13 years gone is very uncertain, and you are apt to get them mixed? A. Not very easily, not very often, and I have yet to have them called to my attention; and if you are—

870 Q. (Interrupting) I have already complimented you upon your memory? A. I understand that, your compliment me on my memory and then tell me that I get my facts mixed.

Q. Now take this little incident that my brother developed so elaborately about this Roeloff resolution, and putting them on the unfair list, and the interview that was had between you and Mr. Frye, who was an intimate friend of Mr. Roeloff's, as to the matter, and how that took place, and upon failure to bring about a settlement you had the names put on the unfair list.

871 Q. (Question read)? A. As to the details I won't pretend to say that they are absolutely chronologically correct.

Q. Now Mr. Gompers, that is 13 years ago. Would you bank your recollection now against a report made at the time by a man like John A. Moffitt? A. I am not going to attempt to place my word as against—

Q. (Interrupting) Not your word? A. Or my recollection against the statement of any other man.

Q. Either him or Mr. William P. Bailey? A. Or any other man, I said.

872 Q. Well now I will ask you about this. Your recollection about this thing is no better than it was in December, 1908, when you gave your deposition at our request to be used here, is it? A. I can't say, I don't know.

Q. I will ask you whether or not in point of fact the conversation and interview between you and Mr. Frye was not with reference to the settlement of the strike after it had been on a long time and Mr. Roeloff having felt the pinch of it and the pressure of it, saw Mr.

Frye and he saw you and you came to Philadelphia and **873**
effected the settlement? A. It may be true.

Q. May it not be true? A. It may be true.

Q. Your recollection of events that preceded the putting of the Roeloff concern on the unfair list by the American Federation of Labor may not be affected at all by that interview?

Mr. Beach:

Can't you ask the witness something more specific? It is hardly fair to generalize in this way.

Mr. Davenport:

I am trying to cross examine this witness in my im- **874**
perfect way.

Q. I am going to read to you now from the report of the examination made of you by Mr. Beach (then I am going to read, Brother Beach, from page 992 of the deposition). "Now let me ask you in regard to the Roeloff strike, whether or not you had any personal part in or about that affair, and if so what it was? (A) When the strike was on I received a communication from Senator Frye, of Maine, president pro tempore of the United States Senate, asking me to call upon him.

"Mr. Davenport: **875**

You know there were three strikes.

"The Witness:

I am speaking of the strike, as far as I know of it, the first strike of which I have any knowledge.

"Mr. Beach:

I will identify that strike. I mean the Roeloff strike of 1901. That will identify it.

"The Witness: (Continuing):

As I say, I received a letter from Senator Frye, president pro tempore of the United States Senate, in which he asked me to call to see him at the Capitol, and I called **876**
there. He mentioned the fact that Mr. Roeloff was a personal friend of his, and that he had —

"Mr. Davenport:

I want to interpose an objection to this, as it is not cross examination.

"(After informal discussion)

"The Witness: (Continuing):

I had two or three interviews with Senator Frye, and he said that he was desirous of carrying out Mr. Roe-

877 loff's wishes. As a result of these interviews, I communicated with the officers of the United Hatters of North America, and placed the matter before them, asking them whether they would have any objection to my acting in the capacity of mediator. They consented, and I communicated with Mr. Roeloff, and an arrangement was made during a conference with him, the result of which was an adjustment of the strike and dispute between the firm and the Union. In a dispute which resulted later I was called in, and was helpful in maintaining amicable relations. My every action has been during that time
878 and since, to maintain harmonious relations between the firm and the Union." Then Brother Beach turned to the subject of the Berg strike.

Now I suppose that this is your signature, Mr. Gompers (showing).

Mr. Beach:

That is admitted.

Q. Your signature to this depostion, so that if we have occasion to prove any fact by this deposition there won't be any dispute about it.

Mr. Beach:

879 We agree that that is his signature.

Q. After I have read that to you don't that lead you to think that after the lapse of 11 busy years you may have confounded the incident? A. I think that the statement made in that deposition is correct.

Q. Now, Mr. Gompers, the American Federation of Labor has a constitution, and it has under that constitution a convention composed of delegates elected in accordance with its provisions from the subordinate unions, the unions affiliated to it, has it not? A. You mean as affiliated to it, not subordinate to it?

880 Q. Well, subordinate, you and I quibble sometimes about words. We know about the fact. The fact is there. A. I am speaking of the fact.

Q. You are perhaps more choice in the use of languare than I am? A. The best that I can employ always.

Q. Now if you were to seek the place where the practice of the convention of the American Federation of Labor is concerned, acting under its constitution, is there any place you would go sooner than to the reports of

the proceedings of those conventions, which are a monument of a great movement? **881**

The Witness:

I frequently refer to the printed proceedings of the conventions for reference and for recollection. To say that I would go to the proceedings in preference to any other documents which I may have, I am not in a position to positively say.

Q. As to the action of the Executive Council, would you not go to the reports that the Executive Council made for the source as to what their practice was? A. Usually. **882**

Q. I don't know but what I have covered the whole subject. Should you not return here at a later stage of the case for examination, may I ask you whether or not the testimony that you have given here now you desire to have tested by the written record, both your own reports and those of the Excutive Council and of the convention?

Mr. Mulholland:

That is objected to.

The Court:

Objection sustained. **883**

Mr. Davenport:

Well, I think that is all, Mr. Gompers.

I want to read this to the jury (shows book to counsel).

Mr. Beach:

We object to it on the ground that, so far as presented now, it purports to be the publication of a statement, which publication was not made until after the bringing of this suit, by one of the alleged conspirators, and cannot be introduced in evidence to affect the others.

The Court: **884**

It is admissible.

Mr. Mulholland:

Save our exception.

Mr. Davenport:

I am going to read, your Honor, from the American Federationist for the month of October, 1903, beginning on page 1053, near the bottom of the first column. It is a portion of an address by Martin Lawlor, one of the defendants, delivered at Leicester, England, to the trade-

men and delegates at the Congress of the British Trade Unions.

"Another thing is the great combinations of wealth into corporations and trusts, as a result of which industry is continually being directed by fewer persons. Yet, despite all drawbacks, we have done much to improve the material, moral, and social condition of all the workers of our country. It may not be amiss to say that where twenty-five years ago, there were only a few fragmentary bodies of workingmen organized in the different cities of the United States, since the birth of the A. F. of L. in 1881, under wise leadership and practical action, we now have affiliated to the A. F. of L. 110 international trade unions, with about twenty-two thousand local unions under their jurisdiction, twenty-nine state federations, 520 city central labor unions, and 1,725 local trade and federal labor unions—in all, fully 2,500,000 of wage-workers organized and affiliated to our parent organization. This phenomenal growth of the trade union movement in our country is largely due to the able and efficient leadership of that great champion of labor's rights, President Samuel Gompers, of the A. F. of L.

"Where formerly long hours of daily toil were the rule, we have reduced the hours of labor, in a large number of instances, to eight hours per day, most of the remainder nine, and a very few ten or more. As a result of our trade union activity and federated effort we have brought light and sunshine and comfort to the homes of our workmen where gloom and almost despair held sway before. We have abolished child labor in most of our states, and are hard at work in eliminating the last vestige of this criminal brutality in our country, and are confident that within a very brief period we shall be entirely successful therein.

"Perhaps no movement on the face of the globe is blessed by so large a number of volunteer organizers, who, night after night, and even during the day at their own cost, go among the workers and preach the gospel of safety through the trade union movement. Our international unions have, besides their executive officers, approximately 500 organizers on salary, and the A. F. of L., in addition to its forty-five salaried organizers, has

a corps of over 1,100 volunteer organizers, to whom I have just referred. **889**

"Nearly all our international unions have their official weekly or monthly trade journal. Fully half the central bodies publish a labor paper, and the apex is reached in that grand publication of the A. F. of L., the American Federationist, copies of which, I am informed, you are in frequent receipt.

"Not least among the effective forces which the American trade union movement employs are the union labels, which our international unions issue to cover the product of the labor of their members. Hundreds of **890** thousands of dollars are expended annually by our international unions in the agitation for union labeled products, and creating public sympathy, not alone among the organized workmen, but the unorganized, as well as among the sympathetic public.

"Recently the A. F. of L. has issued a union label bulletin, a few copies of which I have and will be glad to distribute to some of you. Apart from these we publish pamphlets and leaflets, all tending to educate our members upon the high aims for which our movement stands.

"The A. F. of L. is not simply a federation to bring **891** our various unions into closer touch with each other. It is an organizing bureau. It is the means by which legislative and executive relief is secured, and, above all, is the watch-dog to prevent legislation being enacted hostile to our movement and to our cause.

"While the A. F. of L. is not a financial institution, yet during the great miners' strike of last year, mainly through its perfect machinery and the earnest and capable manner in which the work was undertaken, more than $2,000,000, in other words, over £400,000 in your money, was poured into the treasury of the United Mine Work- **892** ers of America, and afforded the means of sustenance for the gallant men who made the struggle to maintain their manhood, which ended in so glorious a moral and material victory."

Mr. Davenport:

I will offer in evidence the National and International Unions affiliated with the American Federation of Labor, headquarters Washington, D. C., 1902. That, I suppose, would not be objected to as official. I might

893 perhaps add, your Honor, that in Labor Day numbers special attention was always given to these subjects, the names of the officers, secretaries, the machinery of the organization. It is, you might say, the beginning of a new year with them.

Mr. Mulholland:

We object to this, if the court please, for the reason that there has been no evidence before the court of the conspiracy specifically alleged in the complaint nor has there been any evidence introduced showing that the American Federation of Labor as such was affiliated in

894 the conspiracy set forth in the complaint, with the defendants in this case.

The Court:

Well, as to the first objection I should overrule it. I don't know about the last, I don't know what it is until he offers it.

Mr. Davenport:

I offer it in support of our complaint. It is official.

The Court:

Well, if it is official, we will take it subject to their exception.

895 (Recess 15 minutes.)

Mr. Beach:

Just give me the date.

Mr. Davenport:

Yes, that is it. Commencing on page 33, labor day number, September, 1902. "National and International unions affiliated with the Ameriacn Federation of Labor, Headquarters at Washington, D. C. Samuel Gompers, President. Frank Morrison, Secretary." "Actors' National Protective Union. Lew Morton, 8 Union Square, New York, N. Y." I assume that gentleman is the Secretary.

896 Mr. Beach:

In each instance.

Mr. Davenport:

In each instance I believe the name is the Secretary.

"Allied Metal Mechanics, International Association of. George B. Buchanan, 421 Valentine Building, Toledo, O.

"Bakers and Confectioners' International Journeymen. F. H. Harzbecker, Room 39, Harrington Building, 236 Superior Street, Cleveland, O.

Barbers' International Union, Journeymen. W. E. Klapetzky, Room 407, Electric Building, Cleveland, O. **897**

Blacksmiths, International Brotherhood of. Robert B. Kerr, New Mail Building, Moline, Ill.

Blast Furnace Workers and Smelters of America, National Association of. Ed. J. Mullem, Lowellville, O.

Boilermakers and Iron Ship Builders, Brotherhood of. W. J. Gilthorpe, Room 406, Portsmouth Building, Kansas City, Kans.

Bookbinders, International Brotherhood of. James W. Dougherty, 216 East Seventy-sixth Street, New York, N. Y. **898**

Boot and Shoe Workers' Union. C. L. Baine, 434 Albany Building, Boston, Mass.

Brewery Workers, National Union of United. Julius Zorn, Odd Fellows Temple, corner Seventh and Elm Streets, Cincinnati, O.

Brick, Tile and Terra Cotta Workers' Alliance, International. George Hodge, 155 E. Washington Street, Chicago, Ill.

Broommakers' Union, International. W. R. Boyer, 387 South Prairie Street, Galesburg, Ill.

Carpenters and Joiners of America, United Brotherhood of. Frank Duffey, 212-215 Lippincott Building, 46 North Twelfth Street, Philadelphia, Pa. **899**

Carpenters and Joiners, Amalgamated Society of. Thomas Atkinson, 332 East Ninety-third Street, New York, N. Y.

Carriage and Wagonmakers, International. A. Peterson, 54 Aiken Avenue, Cleveland, O.

Carvers' Association of North America, International Wood. George H. Thobe, 513 Russel Avenue, Covington, Ky.

Car Workers, International Association of. A. D. Wheeler, 644 Prudential Building, Buffalo, N. Y. **900**

Chainmakers' National Union of the United States of America. Russel L. Mohler, 609 Genesee Street, Trenton, N. J.

Cigarmakers' International Union of America. George W. Perkins, Room 820, Monon Block, 320 Dearborn Street, Chicago, Ill.

Clerk's International Protective Association, Retail. Max Morris, box 1441, Denver, Col.

901 Cigarmakers' union of America, Special Order. Chas. V. Peterson, 155 East Washington Street, Chicago, Ill.

Cloth Hat and Capmakers of North America, United. Maurice Migol, 66 East Fourth Street, New York, N. Y.

Coopers' International Union of North America. James A. Cable, 411-412 Portsmouth Building, Kansas City, Kans.

Coremakers' International Union. M. F. Flaherty, 101 Baxter Street, South Boston, Mass.

Curtain Operatives of America, Amalgamated Lace. Charles Pasley, 3338 Howard Street, Philadelphia, Pa.

902 Drivers' International Union, Team. George Innis, Room 12, 29 Monroe Avenue West, Detroit, Mich.

Electrical Workers of America, International Brotherhood of. H. W. Sherman, Corcoran Building, Washington, D. C.

Engineers, National Brotherhood of Coal Hoisting. T. E. Jenkins, Room 3, Goldsmith Building, Danville, Ill.

Engineers, International Union of Steam. R. A. McKee, 224 Masonic Temple, Peoria, Ill.

903 Engineers, Amalgamated Society of. William Dalahoy, 76 Ahrens Building, Elm and Franklin Streets, New York.

Engineers, International Association of Watch Case. F. Huber, Box 263, Canton, O.

Firemen, International Brotherhood of Stationary. C. I. Shamp, 1053 Grand Avenue, Toledo, O.

Fitters and Helpers, National Association of Steam and Hot Water. W. L. Onstott, 2834 Wallace Street, Chicago, Ill.

Garment Workers of America, United. Henry White, Rooms 116-117, Bible House, New York, N. Y.

904 Garment Workers' Union, International Ladies. Bernard Braff, 8 First Avenue, New York, N. Y.

Glass Bottle Blowers' Association of the United States and Canada. William Launer, Rooms 930-931 Witherspoon Building, Juniper and Walnut Streets, Philadelphia, Pa.

Glass Workers' Union, American Flint. John L. Dobbins, Room 316, Bissell Block, Pittsburgh, Pa.

Glass Workers, International, Association Amalgamated. William Figolah, 3257 Union Avenue, Chicago, Ill. **905**

Granite Cutters' National Union. James Duncan, Washington, D. C.

Grinders' National Union, Table Knife. Frederick Spencer, Box 75, Shelburn Falls, Mass.

Hatters of North America, United. John Phillips, 797 Bedford Avenue, Brooklyn, N. Y.

Horse-Shoers of United States and Canada, International Union of Journeymen. Roady Kenehan, 1548 Wazee Street, Denver, Col. **906**

Hotel and Restaurant Employers' International Alliance and Bartenders' International League of America. Jere L. Sullivan, 903 Elm Street, Cincinnati, O.

Iron, Steel and Tin Workers, Amalgamated Association of. John Williams, House Building, Smithfield and Water Streets, Pittsburg, Pa.

Jewelry Workers' Union of America, International. J. O. Jackson, 275 7th Street, Buffalo, N. Y.

Lathers, International Union of Wood, Wire and Metal. A. F. Liebig, 182 Abbey Street, Cleveland, O.

Laundry Workers' International Union, Shirt, Waist and. Charles E. Nordeck, Lock Box 10, Station 1, Troy, N. Y. **907**

Leather Workers on Horse Goods, United Brotherhood of. Chas. L. Conine, 435 Gibralter Building, Kansas City, Mo.

Leather Workers' Union of America, Amalgamated. John Roach, 317 N. Seventh Street, Olean, N. Y.

Longshoremen's Association, International. Henry C. Barter, Colonial Building, Detroit, Mich.

Machinists, International Association of. George Preston, Rooms 82-85, Corcoran Building, Washington, D. C. **908**

Marble Workers, International Association of. W. H. Downing, 1416 O'Campton Avenue, St. Louis, Mo.

Meat Cutters and Butchers Workmen of North America, Amalgamated. Homer D. Call, Lock Box 317, Syracuse, N. Y.

Metal Polishers, Buffers, Platers and Brass Workers' Union of North America, James J. Cullen, 25 Third Avenue, Station D, New York, N. Y.

909 Metal Workers' International Association, Amalgamated Sheet. John E. Bray, 313 Nelson Building, Kansas City, Mo.

Metal Workers' International Union, United. C. O. Sherman, 148 West Madison Street, Chicago, Ill.

Mine Managers and Assistants' Mutual Aid Association, National. William Scaife, Springfield, Ill.

Mine Workers of America, United. William B. Wilson, 1101 Stevenson Building, Indianapolis, Ind.

Mine Workers' Progressive Union of America, Northern Mineral. Matt Wasley, Ishpeming, Mich.

910 Molders' Union of North America, Iron. E. J. Denney, 433 Walnut Street, Cincinnati, O.

Musicians, American Federation of. Owen Miller, 6224 Plymouth Avenue, St. Louis, Mo.

Oil and Gas Well Workers, International Brotherhood of. Jay H. Mullen, Bowling Green, O.

Painters, Decorators and Paperhangers of America, Brotherhood of. M. P. Carrick, Drawer 199, Lafayette, Ind.

Paper Makers of America, United Brotherhood of. P. J. Ackerman, 56a Main Street, Watertown, N. Y.

911 Pattern Makers' League of North America. John F. McBride, 25 Third Avenue, New York, N. Y.

Paving Cutters' Union of the United State of America J. H. Patterson, Lithonia, Ga.

Piano and Organ Workers' Union of America, International. Frank Helle, 1350 South 42d Court, Chicago, Ill.

Plumbers, Gas Fitters, Steam Fitters and Steam Fitters' Helpers, United Association of. L. W. Tilden, 518 Ogden Building, Chicago, Ill.

Plate Printers' Union of North America, Inter-
912 national Steel and Copper. T. L. Mahan, 12 LeRoy Street, Dorchester, Mass.

Potters, National Brotherhood of Operatives. J. T. Duffey, Box 50, East Liverpool, Ohio.

Powder and High Explosive Workers of America, United. James G. McCrindle, Gracedale, Pa.

Printing Pressmen's Union, International. W. J. Webb, 202 Lexington Avenue, Brooklyn, N. Y.

Railway Employes of America, Amalgamated Association of Street. W. D. Mahon, 45 Hodges Block, Detroit, Mich. **913**

Railway Telegraphers, Order of. L. W. Quick, Fullerton Building, St. Louis, Mo.

Railway Trackmen, Brotherhood of. John T. Wilson, 303 Benoist Building, St. Louis, Mo.

Saw Smiths' Union of North America. Herbert I. Scott, 1316 Capitol Avenue, North, Indianapolis, Ind.

Seaman's Union, International. William H. Frazier, 1½a Lewis Street, Boston, Mass.

Spinners' Association, Cotton Mule. Thomas O'Donnell, Box 203, Fall River, Mass. **914**

Stage Employes' National Alliance, Theatrical. Lee M. Hart, care of Bartl's Hotel, State and Harrison Streets, Chicago, Ill.

Stereotypers and Electrotypers' Union of North America, International. George W. Williams, care of Asquam Transportation Co., Lakewood, Ashland, N. H.

Stove Mounters' International Union. J. H. Kaefer, 166 Concord Avenue, Detroit, Mich.

Tailors' Union of America, Journeymen. John B. Lennon, Box 597, Bloomington, Ill. **915**

Textile Workers of America, United. Albert Hibbert, Box 713, Fall River, Mass.

Tile Layers and Helpers' Union, International Ceramic, Mosaic and Encaustic. James P. Reynolds, 108 Corry Street, Allegheny, Pa.

Tin Plate Workers' Protective Association of America International. Chas E. Lawyer, Rooms 20-21 Reilly Block, Wheeling, W. Va.

Tobacco Workers' International Union. E. Lewis Evans, Room 56, American National Bank Building, Third and Main Streets, Louisville, Ky. **916**

Trunk and Bag Workers' International Union of America. Chas. J. Gille, 1522 N. Seventeenth Street, St. Louis, Mo.

Tube Workers of United States and Canada, International Association of. John B. McDonough, 327 Orange Street, Reading, Pa.

Typographical Union, International. J. W. Bramwood, Room 7, DeSoto Block, Indianapolis, Ind.

Upholsterers' International Union of North America. Anton J. Engel, 28 Greenwood Terrace, Chicago, Ill.

Weavers' Amalgamated Association, Elastic Goring. Thomas Pollard, Box 46, Easthampton, Mass.

Weavers' Protective Association, American Wire. Fred W. Ashworth, Belleville, N. J.

Wood Workers' International Union of America, Amalgamated. Thomas I. Kidd, 616-617 Garden City Block, Chicago, Ill.

Now I read the list of the organizers of the American Federation of Labor,—(to Mr. Merritt) Do you want to read it?

Mr. Merritt:

Yes.

Mr. Davenport:

I desire to say that it is from these that these reports were received which will be read in regard to the boycotts.

Mr. Merritt:

"Organizers of the American Federation of Labor.

Alabama:

Anniston—C. C. Echard.

Birmingham—J. H. Leith, 1909½ Second Avenue.

Brewton—Leslie McConnell, 202 Brewton Avenue.

Mobile—E. Damer. T. B. Foston, General Delivery.

Montgomery—J. A. Shaw, General Delivery. J. H. Wilson, 30 Cleveland Avenue.

Selma—John H. Bean, 109 Harrison Street. Mrs. Alma Lee, 102 Craig Street.

Arkansas—

Fort Smith—W. J. Mallett.

Helena—J. I. Hawk.

Jonesboro—J. M. Markhurt. Chas. W. Wayland.

Little Rock—S. B. Joyner, 1423 West Thirtieth St. Jack Buckalew, 823 Martin Street.

Paragould—W. T. Reynolds, Box 44.

British Columbia—

Grank Forks—W. A. Sexton, Box 315.

Van Couver—George Bartley, 741 Hamilton Street. J. H. Watson, 1011 Howe Street.

Victoria—T. H. Twiggs. Geo. Greenwood, care Marine Iron Works.

California— **921**
Bakersfield—H. Connolly.
Fresno—F. S. Clark, 829 P. Street.
Los Angeles—W. E. Goodman, 438 S. Spring Street.
Oakland—C. D. Rogers, 830 Alice Street.
Sacramento—F. E. Smith, care Fed. Trades Council.
San Bernardino—Wm. Smith, 278 Kingman Street.
San Francisco—Walter Macarthur, Station D. Care of Coast Seaman's Journal.
Santa Rosa—W. S. Gilbert.
Stockton—A. R. Hopkins, care Stockton Printing Co.
Visalia—C. B. Kirkpatrick, Box 274. **922**
Vallejo—John Davidson, 801 Louisiana Avenue.
Canada—
Berlin, Ont.—E. Kuhn, Box 507.
Brockville, Ont.—Thos. Keilty, Box 200.
Guelph, Ont.—O. R. Wallace, "Mercury."
Kingston—Wm. Kelly, Brock and Wellington Sts.
London—William Burleigh, 206 Adelaide Street.
Montreal—P. J. Ryan, 276 St. Chas. Borromme St. Geo. S. Warren, 240 Wolf Street. Jos. Ainey, 399 City Hall Avenue. Harry Popkin, 193 Murray Street.
Moosejaw, N. W. T.—Daniel Stamper, Box 238. **923**
Ottawa, Ont.—J. W. Patterson, 316 Bay Street. C. S. O. Boudreault, 164 Church Street.
St. Catherines—James Carty, 20 Cherry Street.
Sault Ste. Marie, Ont.—C. F. Swartz, Box 327.
Smith's Falls, Ont.—James Hopkins.
Stratford—J. Laughton, 16 Falstaff Street.
Toronto—John H. Kennedy, 13 Charlotte Street. Geo. Sangster, 43 Scott Street. John Huddleston, 46 Denison Street.
Colorado—
Colorado Springs—John L. Nelson, 220 S. Cascade Avenue. **924**
Denver—H. E. Garman, Box 1422. L. H. Balfe, 1540 Stout Street.
Florence—John L. Gehr, Box 670.
Pueblo—John T. Cannon, Box 161.
Connecticut—
Bridgeport—John J. O'Neil, 80 Cannon Street.
Danbury—John H. Riley, 13 James Street.
Derby—D. J. Connors, 151 Derby Avenue.

925 Hartford—W. J. Dolan, 98 Wadsworth Street. Matthew J. Kelly, Box 29.

Meriden—J. J. Kane, 18 Russell Street. John P. Howard, Box 341.

New Haven—Thomas F. Hare, 89 Woolsey Street.

New London—George D. McDonald, 19 Mountain Street.

Norwalk—J. H. Kenny, Box 109.

Norwich—Wm. H. Eagle, 207 W. Main Street. Charles F. E. Thurber, 243 Main Street.

Norwich—Chas. P. Lynch.

926 Thompsonville—F. R. Furey. M. J. Connors, 41 Golden Street.

Winnepouk—Wm. S. McQuillan, Box 22.

District of Columbia—

Washington—Milford Spohn, 1318 Eighth St. Northwest. Edwd. J. Ratigan, 451 G. Street, Northwest.

Florida—

Jacksonville—Robert L. Harper, Box 382. Joe Sherhouse, 822 West Ashley Street. W. L. Giraideau, 114 North Street. C. C. Blake, care of 1444 Evergreen St.

Pensacola—H. J. Judevine 211½ S. Palafor St.

927 St. Augustine—G. E. Bragdon, 280 St. George St.

St. Petersburg—E. J. Gartley.

Tampa—C. A. Wimsett, 107 W. Amelia Avenue.

Georgia:

Atlanta—T. M. Riley, Room 12, Temple Court. Jerome Jones, 14½ North Forsyth St. Willis R. Golden, 317 W. 4th Street.

Augusta—John E. Couch, 1506 May Avenue.

Barnesville—J. A. Baird.

Columbus—John R. Jones, Sunday Herald, 1022 7th Street. B. H. Willis, 110 Eighteenth Street. N. F. Cor-

928 nett, 715 Indiana Avenue. R. Kunsburg, 1230 Broad Street.

Macon—L. J. Kilburn, 336 Rose Street.

Savannah—W. S. Harris, 32 West Street. C. E. Stephenson, 323 Perry Street West.

Idaho—

Boise—F. C. Simmons.

Pocatello—H. E. Hillery.

Illinois— **929**

Alton—C. E. Grace, Care E. E. Strickland, 629 E. Second Steet. Harrison Nutter, care E. E. Strickland, 629 E. Second Street. H. Penning, care E. E. Strickland, 629 E. Second Street. William Gerhardt, 117 West 3rd Street. Joseph Giles, 1449 State Street.

Auburn—Thomas Gallagher.

Aurora—George Battenschlag, 516 North avenue.

Beardstown—J. B. Piehler, Jr., Box 167.

Belleville—Jas. Borden.

Belvidere—Henry Kruse, 524 S. State street.

Bloomfield—W. A. Keeling. **930**

Bloomington—J. F. Anderson, 1507 N. Main Street. Millard Lloyd, 209 Main Street. F. C. Leuttig. F. M. Doxee, Editor Record.

Blue Island—N. Crossland, Box 255. Max Troemel.

Cairo—Claude H. Shaunessy, 525 Twenty-first St. C. H. Davidson. E. L. Wilcoxen, 1804 Poplar Street.

Canton—Nelson Spemry.

Carlinville—P. J McDonald.

Centralia—S. J. Stonecipher, 809 E. Fifth Street. North.

Charleston—Jackson Walker, West Pierce and A. **931**
Streets.

Chicago—John J. Fitzpatrick, care Walter Carmody, 2137 Van Buren Street. James P. Fleming, 6307 Woodlawn avenue.

Danville—George Hessler, 929 Oak Street. Thomas K. Heath, 409 Grant Street.

Decatur—G. N. Egnor, 827 N. Morgan Street. Frank Clark.

DuQuoin—Charles Rose.

Dow—L. C. Carriso.

Edwardsville—C. A. Cowan. A. H. Nischwitz. **932**

Elgin—H. R. Bates.

E. St. Louis—A. H. Curtis, 112 Highland place. L. A. Plondre, 106 North 15th Street.

Equality—Thomas E. Leeper, West Lawn No. 1. H. L. B. Mason.

Flora—Fred Herzberg, Box 335.

Freeburg—Charles Kessler.

Freeport—Wm. W. Young, 7 South Third Street.

Galesburg—Harry Holburn, 1309 E. Main Street. H.

C. Smalley, care News office. H. W. Lohmer, 1313 West Main Street.

Havana—C. G. Gwinn, Box 542.

Joliet—W. B. Heinselman, 506 Campbell Street. Thomas L. Hogan, 307 Allen Street.

Kankakee—Thos. Conway, 97 Entrance Street. T. H. Thompson.

Kewanee—George L. Litchfield, Box 711. Adam Menche.

Lebanon—G. W. Boyce.

Loncoln—Patrick Hardin.

Litchfield—John R. Sanderson.

Makanda—George Granger.

Metropolis City—W. B. Roberts.

Moline—Lewis Jahns, Box 1200.

Mound City—A. W. Haughey.

Mount Vernon—A. E. Frost.

Murphysboro—A. D. Munal, 41 South Tenth Street.

Nashville—James Lamar.

New Baden—John Wolverton.

O'Fallan—Wm. H. Lehmann.

Pana—J. W. Jones.

Paris—H. A. Harder, 1001 Brown Street.

Pawnee—T. L. Harney.

Pekin—H. W. Smith, 707 Court Street.

Peoria—Walter S. Bush, 721 South Adams Street.

Percy—James F. Larowe, Almond Street, between 3rd and 4th.

Quincy—Aug. C. Lange, 731 S. 15th Street.

Rock Falls—Will F. Miller, Box 211.

Rockford—H. S. Sliter, 446 Jilson Avenue. F. L. Stewart, 710 North Horseman Street.

Rock Island—John B. Scheossell, 2828 7th Avenue. E. C. Berry.

Sparta—A. C. Douglass.

Springfield—O. D. Spotts, 417 West Kennedy St. R. E. Woodmansee. James Burns. J. F. Morris, 824 South Cleveland Avenue.

Spring Valley—James Beattie, Box 498. Frank Warrington.

Streator—Edward Jones. R. E. Mowbray, 1121 N. Bloomington Street.

Taylorsville—I. G. Froud.

Waukegan—Paul Nellis, 323 St. James Street. **937**
Worden—J. F. Johnson.

Indiana—

Alexandria—Nick Griffiths. John F. Kelly.
Anderson—Wm. Beck, 1204 S. Adams Street.
Arcadia—Lew Groves. Claude E. Noble.
Booneville—John Dean.
Bloomington—Frank M.Dillman, 512 W. Howe St.
Bluffton—F. J. Tangemann, Box 395.
Brazil—Edward Cutty.
Clinton—Joseph Hind. Len Drake.
Connersville—A. R. Furhman. **938**
Crawfordsville—W. P. Daggett.
Dunkirk—LeRoy McDaniel. D. H. Jones.
Elkhart—George Sargent, 119 State Street. William Flagg. Ferdinand Hunt, 402 St. Joe Street.
Elwood—E. M. Lee, 814 South Sixteenth Street. James G. Field.
Evansville—Emil Levy, 1212 East Virginia Street. Philip Wurster, cor. Walnut and 8th Street, Farmers' Cigar Store. Edward Scheurer, 609 Campbell Street.
Ft. Wayne—Mrs. M. B. Gorsline, 76 W. Wewald St. George R. Hench, care Sentinel. Henry C. Hoeltje, 1220 **939** Michigan Avenue. Henry Cohen, 247 West Berry Street. Fred Baade, 1620 Wells Street.
Hammond—C. L. Hall.
Indianapolis—L. P. McCormick. Edgar A. Perkins, 1906 Broadway. John L. Feltman, 122 W. New York Street. Harry Slough, 350 North Dearborn Street.
Kokomo—James H. Arnett.
LaFayette—Harry E. Koonse.
Linton—James Heenan.
Logansport—Samuel Randolph. Frank Berndt.
Marion—James S. Myers, 329 E. Walnut Street. **940** James A. McKeen, 434 E. Lincoln Street. Joseph M. Shellhouse, 329 E. Walnut St.
Mitchell—William Hart.
Muncie—George Derrick, 211 E. Main Street. Fred Fletcher. G. P. Hayworth.
New Albany—James Rutledge, 250 W. Second Avenue.
Owensville—Samuel Strupe.
Peru—Emil Danielson, 271 W. Third Street.

941 Princeton—John T. Holder, care H. F. Smith, 705 E. Spruce Street.
Rochester—Chas. Scholder.
Rockport—Hal W. Smith.
Shelbyville—L. E. Ross, Fairfield, Ind.
South Bend—J. W. Peters, 807 LaSalle Street. Harry Bert, 114-116 Colfax avenue. W. C. Wolf.
Sullivan—E. S. Bell.
Terre Haute—Ed. H. Evinger, 16 South 5th Street. Philip Reinbold, Sixth and Ohio Streets.
Velpen—Willard D. Cook. Horatio Dillon.
942 Vincennes—John W. Hurst, 804 N. Seventh Street.
Indian Territory—
McAlester—Mrs. S. J. Johnson. George W. Fairlie.
Iowa—
Albia—John P. Reese.
Auburn—Judd Green.
Boone—T. P. Menton, 1330 Boone Street.
Burlington—Guy Harbaugh, 217 Sweeney Avenue. Thomas Hughes, care E. Julius, 616 N. Main Street.
Cedar Rapids—G. T. Maxwell, 406 Sixth Avenue.
Centerville—William Wilkes.
943 Cleveland (Lucas County)—Walter Thomas.
Clinton—G. C. Campbell, 704 North Second Street.
Council Bluffs—H. G. Davis, 348 Benton Street. James F. Knuth, care of 348 Benton St. Harvey Delong, 101 Main Street.
Davenport—Hugo Struch, 605 Vine Street.
Des Moines—J. Fitzgerald, Leyner Street. W. E. O'Bleness. A. E. Holder.
Dubuque—W. B. Wilbur, 1731 Washington Street.
Fairfield—L. F. Stark.
Foster—Miss Ida Bowdre.
944 Ft. Madison— Chas. Johns, Box 183.
Jefferson—N. W. Van Eman.
Keokuk—Richard Krys, 1517½ Morgan Street. Geo. W. Peekman, 1206 Concert Street.
Marshalltown—J. C. Crellin.
Oskaloosa—T. H. Carlin.
Ottumwa—J. F. Byrne, 111 S. McLean Street. William Parker, 212 East Main Street.
Sioux City—E. Grenier, 202 Fourth Street.
Waterloo—A. M. Larson. J. B. Hawkins.

(Mr. Davenport reads down as far as "Michigan.") **945**

Mr. Merritt :

(After consultation with Mr. Davenport): I was suggesting that we might make the statement to the jury that they are scattered throughout the remaining states, and the number of them, and in that way cut off this reading of the remainder of the names, and of the states.

Mr. Mulholland:

No objection to that statement being made to shorten the record, except saving our exception.

Mr. Davenport:

Well, I will read New York, because of the gentle- **946**
men who are the organizers. They are the gentlemen more immediately connected with this matter representing the Union Hatters.

Mr. Merritt:

One of them is a defendant.

Mr. Davenport:

"Brooklyn, William Strouse, John Phillips, James P. Maher, Charles Morris, Felix J. O'Hare, D. P. Kelly—"

Mr. Merritt:

(Interrupting) He is a defendant.

Mr. Davenport: **947**

(Continuing) "Thomas Burn, William C. Hennelley."

Now your Honor, I offer in evidence the notice of the declaration of unfairness of various concerns, as found in the American Federationist, under the heading of "official." I have compiled them in their order so that they may be read off right together for convenience.

Mr. Mulholland:

This is objected to for the reason that it in no way refers to the firm of D. E. Loewe & Company, nor does it in any way tend to prove any material allegation in **948**
the complaint, and for another reason, the dates which are proposed to be read begin in 1898, which is a long time prior to the conspiracy specifically set forth in the bill of complaint, many years prior to the time when Mr. Loewe in his complaint complains that he was injured, that it in no way tends to establish the conspiracy in furtherance of which Mr. Loewe claims to have been injured.

949 Mr. Mulholland:

I think I should save one other objection; that is, if this is offered to prove the fact of showing an alleged boycott, it is objected to for that reason.

The Court:

Well, it is received.

Mr. Mulholland:

Note an exception.

Mr. Davenport:

I will begin in 1898, and I am going to run down to September, 1903, and stop there for today.

950

Extract from American Federationist, December number, 1898, page 209:

"SPECIAL NOTICE.

Headquarters American Federation of Labor, 423-5 G Street, N. W., Washington, D. C.

To all affiliated unions. At the request of the unions interested, and after due consideration and attempt at settlement the following concerns have been declared unfair: Carl Upman & Co., Cigar Manufacturers, New York City; S. H.
951 Weller Pottery Co., Jaynesville, Ohio; A. V. Haight, Publisher, Poughkeepsie, N. Y.

Secretaries are requested to read this notice at union meetings, and labor and reform press please copy.

Fraternally yours,

Samuel Gompers,

President, A. F. of L."

Extract from American Federationist for January 2, 1899:

"NOTICE.

952

Headquarters American Federation of Labor, 423-5 G Street, N. W., Washington, D. C.

To all affiliated unions: At the request of the unions interested, and after due consideration and attempt at settlement, the following concerns have been declared unfair: S. H. Howe Shoe Co., Marlboro, Mass.; John H. Frye, Marlboro, Mass.; John O'Connell & Son, Marlboro, Mass.; Rice & Hutchins, Marlboro, Mass.

"Secretaries are requested to read this notice at union meetings, and labor and reform press please copy. **953**

Fraternally yours,

Samuel Gompers,

President, A. F. of L."

"SPECIAL NOTICE.

Headquarters, American Federation of Labor,

Washington, D. C., **954**

January 21, 1899.

To all Affiliated Unions:

At the request of the unions interested and after due investigation and attempt at settlement, the following concerns have been declared Unfair:

The George Fowler Packing Co., Kansas City, Kans.

Illinois Broom Company.

P. H. Binz, Monumental Worker, Cleveland, Ohio.

Landers, Frary & Clark, New Britain, Conn.

Henry H. Roelofs & Co., Philadelphia, Pa.

Secretaries are requested to read this notice at union meetings, and labor press please copy. **955**

Fraternally yours,

Samuel Gompers,

President, American Federation of Labor."

Extract from American Federationist, April number, 1899, page 45:

Headquarters, American Federation of Labor,

Washington, D. C., March 28, 1899.

To all Affiliated Unions:

At the request of the unions interested and after due investigation and attempt at settlement, the following concerns have been declared Unfair: **956**

Phillip Spaeter Cooperage Co., of Philadelphia, Pa.

E. & F. Glor Cooperage Co., of Buffalo.

Mosely and Motley Milling Co., Rochester, N. Y.

Lee Broom Co., of Davenport, Ia.

Shultz and Hirsch, Mattress Makers, of Chicago.

Rice and Hutchins, Manufacturers of Boots and Shoes, Marlboro, Mass.

Secretaries are requested to read this notice at union meetings, and labor press please copy.

Fraternally yours,

Samuel Gompers,

President, American Federation of Labor.

Extract from American Federationist, August number, 1899, page 143:

"NOTICE.

Headquarters, American Federation of Labor.

Washington, D. C., July 10, 1899.

To all Affiliated Unions:

At the request of the unions interested and after due investigation and attempt at settlement, the following concerns have been declared Unfair:

Liggett & Myers, Drummond.

John Finzer & Bro.

Luhrman and Wilbern (Polar Bear).

Graddle & Stortz.

Secretaries are requested to read this notice at union meetings, and labor press please copy.

Samuel Gompers,

President, American Federation of Labor."

Extract from American Federationist, September number, 1899, page 181:

"NOTICE.

Headquarters, American Federation of Labor.

Washington, D. C., August 25, 1899.

To all Affiliated Unions:

At the request of the unions interested, and after due investigation and attempt at settlement, the following concerns have been declared Unfair:

Moench & Sons Company, Tanners, Alpena, Mich.

Illinois Iron and Bolt Company, Carpentersville, Ill., makers of wagon skeins, anvils, drills, jack-screws, letter presses and press stands.

Andrew Kimbel, manufacturer of carriage and wagon gear, Zanesville, Ohio.

F. X. Ganter, bar and office fixtures, Baltimore, Md.

Secretaries are requested to read this notice at union meetings, and labor press please copy. **961**

Fraternally yours,
Samuel Gompers,
President, American Federation of Labor."

"NOTICE.

Headquarters, American Federation of Labor.
Washington, D. C., July 10, 1899.

To all Affiliated Unions: **962**

At the request of the unions interested and after due investigation and attempt at settlement, the following concern has been declared Unfair:

J. B. Owens Company, manufacturers of pottery, Zanesville, Ohio.

Secretaries are requested to read this notice at union meetings, and labor press please copy.

Fraternally yours,
Samuel Gompers,
President, American Federation of Labor." **963**

Extract from American Federationist., January number, 1900, page 25:

"NOTICE.

Headquarters, American Federation of Labor,
Washington, D. C.,
December 1, 1899.

To all Affiliated Unions:

964

At the request of the union interested, and after due investigation and attempt at settlement, the following concern has been declared Unfair:

The New York Sun, New York City.

Secretaries are requested to read this notice at union meetings, and labor press please copy.

Fraternally,
Samuel Gompers,
President, A. F. of L."

965 Extract from American Federationist, July number, 1900, page 225:

"NOTICE.

Headquarters, American Federation of Labor,
Washington, D. C.,
June 23, 1900.

To all Affiliated Unions:

At the request of the unions interested and after due investigation and attempt at settlement, the following concerns
966 have been declared Unfair:

Keystone Watchcase Company, Philadelphia, Penna.

Pope Manufacturing Company, Hartford, Conn.

Secretaries are requested to read this notice at union meetings, and labor and reform press please copy.

Fraternally,
Samuel Gompers,
President, A. F. of L."

967 Extract from American Federationist, October number, 1900, page 331:

"NOTICE.

Headquarters, American Federation of Labor,
Washington, D. C.,
September 25, 1900.

To all Affiliated Unions:

At the request of the unions interested and after due investigation and attempt at settlement the following concerns
968 have been declared Unfair:

American Radiator Co., Buffalo, N. Y.

Trinity River Lumber Co., Leonidas, Tex.

Detroit Screw Works, Detroit, Mich.

Secretaries are requested to read this notice at union meetings, and labor and reform press please copy.

Fraternally,
Samuel Gompers,
President, A. F. of L."

Extract from American Federationist, November number, 1900, page 366: **969**

"NOTICE.

Headquarters, American Federation of Labor,
Washington, D. C.,
October 25, 1900.

To all Affiliated Unions:

At the request of the unions interested and after due investigation and attempt at settlement the following concerns have been declared Unfair: **970**

Morley Bros. Saddlery Co., Chicago.
Van Camp Packing Co., Indianapolis.
Forester Printing Co., Philadelphia.
Mr. Vernon Car Mfg. Co., Mt. Vernon, Ill.

Secretaries are requested to read this notice at union meetings, and labor and reform press please copy.

Fraternally,
Samuel Gompers,
President, A. F. of L."

Extract from American Federationist, December number, 1900, page 398: **971**

"SPECIAL NOTICE.

Headquarters, American Federation of Labor,
Washington, D. C.,
November 26, 1900.

At the request of the unions interested and after due investigation and attempt at settlement the following concerns have been declared Unfair: **972**

Hamilon Manufacturing Co., of Two Rivers, Wis.
The St. Louis Cooperage Co., of St. Louis, Mo.
The Hauser, Brenner & Fath Cooperage Co., of St. Louis, Mo.
The Cincinnati Cooperage Co., of Cincinnati, O.
Belleville Stove Works of Belleville, Ind.
Terre Haute Brick and Pipe Co., of Terre Haute, Ind.
George M. Hill Co., Bookbinders, of Chicago, Ill.
Schoelkpoh & Co., Tanners, of Buffalo, N. Y.

973 Secretaries are requested to read this notice at union meetings, and labor and reform press please copy.

Fraternally,

Samuel Gompers,

President, A. F. of L."

Extract from American Federationist, January number, 1901, page 29:

"SPECIAL NOTICE.

974 Headquarters, American Federation of Labor,

Washington, D. C.,

December 20, 1900.

To all Affiliated Unions:

At the request of the unions interested and after due investigation and attempt at settlement, the following concerns have been declared Unfair:

J. B. Owens Pottery Co., of Zanesville, Ohio.

Andrew Kimble Bent Wood Works, Zanesville, Ohio.

Secretaries are requested to read this notice at union meetings, and labor and reform press please copy.

975 Fraternally yours,

Samuel Gompers,

President, A. F. of L."

Extract from the American Federationist, February number, 1901, page 65:

"NOTICE.

Special Notice.

Headquarters American Federation of Labor.

Washington, D. C., January 23, 1901.

976 To All Affiliated Unions:

At the request of the unions interested and after due investigation and attempt at settlement, the following concerns have been declared Unfair:

Jacob Dold Packing Co., of Buffalo, N. Y.

Kerbs, Werheim & Schiffer, Cigars, of New York City.

Lotchfield Brick Co., of Litchfield, Ill.

Marshall & Ball, Clothing, of Newark, N. J.

The Lee Broom and Duster Co., of Davenport, Ia.

Kahn Stove Works, of Hamilton, Ohio.

Oliver Bros., Brass Bedsteads, of Lockport, N. Y. **977**
Peter McCourt, Theatrical Circuit, of Denver, Col.
Secretaries are requested to read this notice at union meetings, and labor and reform press please copy.

Fraternally yours,
Samuel Gompers,
President, A. F. of L.

Extract from American Federationist, April Number, 1901, page 143.

NOTICE. **978**

Headquarters American Federation of Labor, 423-5 G. Street, Washington, D. C.
March 25, 1901.

To all Affiliated Unions:

At the request of the unions interested, and after due investigation and attempt at settlement, the following concerns have been declared Unfair:

The Eclipse Stove Co., of Mansfield, O.
The Goddell Cutlery Co., of Antrim, N. H.
Secretaries are requested to read this notice at union meetings, and labor and reform press please copy. **979**

Fraternally,
Samuel Gompers,
President, A. F. of L."

Adjourned to tomorrow morning at 10 o'clock.
Friday, August 30th, 1912,
10 A. M., Morning Session.

The Court:

Now you may proceed, Mr. Davenport.

Mr. Davenport: **980**

Extracts from the record of the American Federationist, May number, 1901, page 191.

"Headquarters, American Federation of Labor, 423-5 G Street,
Washington, D. C., April 25, 1901.

To all Affiliated Unions:

At the request of the union interested, and after due investigation, and attempt at settlement, the following concern has been declared unfair: The McKinney Bread Co., St.

981 Louis, Mo., Secretaries are requested to read this notice at union meetings, and labor and reform press please copy.

Fraternally yours,

Samuel Gompers,

President, A. F. of L."

Extract from American Federationist, June number, 1901, page 232.

"NOTICE.

982 "Headquarters,

American Federation of Labor, 423-5 G Street,

Washington, D. C.

May 25, 1901.

To all affiliated unions: At the request of the unions interested, and after due investigation and attempt at settlement, the following concerns have been declared unfair. New York Sun, New York City; Terre Haute Gazette, Terre Haute, Indiana. Secretaries are requested to read this notice at union meetings and Labor and Reform Press please copy.

Fraternally yours,

983 Samuel Gompers,

President, of A. F. of L."

Extracts from American Federationist, June number, 1901, page 278.

"Headquarters American Federation of Labor, 423-5 G Street,

Washington, D. C.

June 25, 1901.

To all affiliated unions: At the request of the unions interested, and after due investigation and attempt at settlement, the following concerns have been declared unfair: Riverside

984 Cotton Mills, Danville, Va.; The Whittimore Co., Boston, Mass.; American Billiard Table Co., Cincinnati, Ohio: Secretaries are requested to read this copy at union meetings and labor and reform press please copy.

Fraternally yours,

Samuel Gompers, President,

A. F. of L."

Extract from American Federationist, August number, 1901, page 322.

985

"NOTICE.

Headquarters American Federation of Labor, 423-5 G Street, Washington, D. C.

June 25, 1901.

To all affiliated unions: At the request of the unions interested and after due investigation and attempt at settlement the following concerns have been declared unfair: Lovell & Buffington Tobacco Co., Covington, Ky.; Joseph Fowler Shirt Co., Glenns Falls, N. Y. Secretaries are requested to read this notice at union meetings and labor and reform press please 986
copy.

Fraternally yours,

Samuel Gompers,
President A. F. of L."

Extract from American Federationist October number, 1901, page 444.

"NOTICE.

Headquarters American Federation of Labor, 423-5 G Street, Washington, D. C. 987

September 25, 1901.

To all affiliated unions:: At the request of the unions interested, and after due investigation and attempt at settlement, the following concerns have been declared unfair: Brazil Hotel, Buffalo, N. Y.; Genesee Hotel, Buffalo, N. Y.; Davis Manufacturing Co., Dayton, Ohio; The Computing Scale Co., Dayton, Ohio; The Davidson Pump Co., Brooklyn, N. Y.; Reinle Bros. & Solomon, Baltimore, Md.; Crescent, Couvoirseer, Wilcox Co.; Joseph Fahy and Wadsworth Watch Case Co.; Huttig Sash & Door Co., St. Louis, Mo.; Defiance Box Co., Defiance, Ohio; Wayne County Preserving Co., Newark, 988
N. Y.; Reichert Milling Co., Freeburg, Ill.; American Radiator Co., St. Louis, Mo.; United Shirt and Collar Co.; Carborundum Co., Niagara Falls, N. Y.; LeFurer Arms Co., Gun Factory, Syracuse, N. Y.

Secretaries are requested to read this notice at union meetings. Labor and reform press please copy.

Fraternally yours,

Samuel Gompers,
President A. F. of L."

989 Extract from American Federationist, December number, 1901, page 574.

"NOTICE.

Headquarters American Federation of Labor, 423-5 G Street, Washington, D. C.

November 25, 1901.

To all affiliated unions: At the request of the unions interested, and after due investigation and attempt to settlement the following concerns have been declared unfair: Crane,
990 Breed & Co., Cincinnati, Ohio; Casey & Hedges, Chattanooga, Tenn.; Novelty Advertising Co., Coshocton, Ohio; Meek-Beach Co., Coshocton, Ohio. Secretaries are requested to read this notice at Union meetings and labor and reform press please copy.

Fraternally yours,

Samuel Gompers,

President A. F. of L."

Extract from American Federationist, February number, 1902, page 85.

991

"NOTICE.

Headquarters American Federation of Labor, 423-5 G Street, Washington, D. C.

January 3rd, 1902.

To all affiliated unions. At the request of the unions interested and after due investigation and attempt at settlement, the following terms have been declared unfair: The National Cash Register Co., Dayton, Ohio; the National Biscuit Co., Chicago, Ill., Henry H. Roelofs & Co., Philadelphia, Penna.,
992 Jamestown Street Railway Co., Jamestown, N. Y. Secretaries are requested to read this notice at union meetings and labor and reform press please copy.

Fraternally yours,

Samuel Gompers,

President A. F. of L."

Extract from American Federationist, June number, 1902, page 339.

993

"NOTICE

Headquarters American Federation of Labor, 423-5 G Street, N. W., Washington, D. C.,

May 25, 1902.

To all affiliated unions: At the request of the unions interested and after due investigation and attempt at settlement the following concerns have been declared unfair: Iver Johnson Arms Co., Fitchburg, Mass.; Van Zandt, Jacobs & Co., Troy, N. Y.; Los Angeles Times, Los Angeles, Calif.; Wellman, Osborn & Co., Lynn, Mass.; Singer Sewing Machine Co., 994
Elizabeth, N. J.; South Bend, Indiana; Kelsey Furnace Co., Syracuse, N. Y.; John Miller & Co., proprietors of Miller's Game Cock Whiskey, Boston, Mass.; Gurney Foundry Co., Ltd., Toronto, Ont.; Narragansett Bay Oyster Co., Providence, R. I.; Sattley Manufacturing Co., Springfield, Ill.; Brown & Sharpe Tool Co., Providence, R. I.; Brown Manufacturing Co., Zaynesville, Ohio; Evans & Howard Sewer Pipe & Fire Brick Co., St. Louis, Mo.; The Brewers Exchange of Cincinnati, Ohio; Covington and Newport, K. Y. Secretaries are requested to read this notice at Union Meetings and Labor and Reform Press please copy. 995

Fraternally yours,

Samuel Gompers,

President A. F. of L."

Extract from American Federationist, July number, 1902, page 400.

"NOTICE.

Headquarters American Federation of Labor, 423-5 G Street, N. W., Washington, D. C.,

June 25, 1902. 996

To all affiliated unions. At the request of the unions interested and after due investigation and attempt at settlement the following concern has been declared unfair: Philadelphia Bulletin, Philadelphia, Pa. Secretaries are requested to read this notice at Union Meetings and labor and reform press please copy.

Fraternally yours,

Samuel Gompers,

President A. F. of L."

997 Extract from American Federationist, October number, 1902, page 740.

"NOTICE.

Headquarters American Federation of Labor, 423-5 G Street, N. W., Washington, D. C.

September 20, 1902.

To all affiliated unions: At the request of all the unions interested and after due investigation and attempt at settle-
998 ment the following concerns have been declared unfair: Mount Airy Granite Co., Mount Airy, N. C.; Crabtree & Harvey, North Sullivan, Mo.; Rohertson & Havey, North Sullivan, Me.; Hood Rubber Co., Boston, Mass.; Railway Construction Co., Cambridge, Ohio; Electric Installation Contracting Co., Chicago, Ill.; Franklin Needle Co., Franklin, N. H.; Page Needle Co., Chicopee Falls, Mass.; Himmelberger, Luce Land and Lumber Co., Morehouse, Mo. Secretaries are requested to read this notice at Union meetings and labor and reform press please copy.

Fraternally yours,

999 Samuel Gompers,
President A. F. of L."

Extract from the American Federationist, November number, 1902, page 846.

"NOTICE.

Headquarters American Federation of Labor, Washington, D. C.,

October 25th, 1902.

1000 To all affiliated unions: At the request of the unions interested and after due investigation and attempt at settlement the following concerns have been declared unfair: Cluett, Peabody & Co., Troy, N. Y.; The Brumby Chair Co., Marietta, Ga.; James Butler, Grocer, New York; W. H. Kemp Co., New York, N. Y.; Andrew Reeves, Chicago, Ill.; George Reeves, Cape May, N. J.; Hastings Co., Philadelphia, Penna.; Henry Ayres, Philadelphia, Penna.; Scotten & Dillon Co., Detroit, Mich.; Hartford Carpet Co., Thompsonville, Conn.; Terre Haute Street Railway Co.; N. Snellenberg & Co., Philadelphia,

Penna. Secretaries are requested to read this notice at union meetings and labor and reform press please copy. **1001**

Fraternally Yours,
Samuel Gompers,
President A. F. of L."

Extracts from American Federationist, December number, 1902, page 961:

"NOTICE.

Washington, D. C., November 25, 1902. **1002**

To all affiliated unions:

At the request of the unions interested and after due investigation and attempt at settlement, the following concern has been declared unfair: The American Circular Loom Co., New Orange, N. J.

Secretaries are requested to read this notice at union meetings and labor and reform press please copy.

Fraternally yours,
Samuel Gompers,
President A. F. of L." **1003**

Extract from American Federationist, January number, 1903, page 43:

"NOTICE.

Headquarters American Federation of Labor, 423-5 G Street, N. W., Washington, D. C.,
December 24th, 1902.

At the request of the unions interested, and after due investigation and attempt at settlement, the following concerns have been declared unfair: Wagner Leather Co., of Stockton, Calif.; Cullman, Salz & Co., Benicia, Calif.; S. H. Frank & Co., Redwood, Calif.; A. B. Patrick & Co., San Francisco, Calif.; The Santa Rosa Tanning Co., Santa Rosa, Calif. Secretaries are requested to read this notice at union meetings and labor and reform press please copy. **1004**

Fraternally yours,
Samuel Gompers,
President A. F. of L."

1005 Extract from American Federationist, February number, 1903, page 121:

"NOTICE.

Washington, D. C., January 25, 1903.

To all affiliated unions. At the request of the unions interested and after due investigation and attempt at settlement the following concern has been declared unfair: The Skinner Silk Co., Holyoke, Mass.

Secretaries are requested to read this notice at Union meetings and labor and reform press please copy.

1006 Fraternally yours,

Samuel Gompers,
President A. F. of L."

Extract from American Federationist, March number, 1903, page 208:

"NOTICE.

Headquarters American Federation of Labor, 423-5 G Street, N. W., Washington, D. C.

February 24, 1903.

1007 To all affiliated unions: At the request of the unions interested, and after due investigation and attempt at settlement the following concerns have been declared unfair: The C. W. Stine Pottery Co., White Cottage, Ohio; the E. N. Rowell Co., Batavia, N. Y.; O. Wisner Piano Co., Brooklyn, N. Y.; The Underwood Typewriter Co., Hartford, Conn.; Gulf Bag Co.; New Orleans, La.; Branch of Bemis Bros. of St. Louis, Mo. Secretaries are requested to read this notice at union meetings and labor and reform press please copy.

Fraternally yours,

1008 Samuel Gompers,
President A. F. of L."

Extract from American Federationist, June number, 1903, page 510:

"NOTICE.

Washington, D. C., May 25, 1903.

To all affiliated unions. At the request of the unions interested and after due investigation and attempt at settlement the following concerns have been declared unfair: Seagrave

Mfg. Co., of Columbus, Ohio; J. Capps & Sons, Ltd., Jacksonville, Ill.; Columbus Buggie & Harness Co., Columbia, Ohio; Western Union Telegraph Co.; N. Drucker & Co., Cincinnati, Ohio; Cheney-Bigelow Wire Works, Springfield, Mass.; Russell Mfg. Co., Middletown, Conn.; L. E. Waterman, New York City; George L. Meskir, Evartsville, Ind.; M. Goellers & Son, Circleville, Ohio; Krell Piano Co., Cincinnati, Ohio; New Orleans Brewing Co., New Orleans, La.; Standard Brewing Co., New Orleans, La. **1009**

Secretaries are requested to read this notice at union meetings and labor and reform press please copy.

Fraternally yours, **1010**

Samuel Gompers,

President, American Federation of Labor."

Extract from American Federationist, July number, 1903, page 599:

"NOTICE.

Washington, D. C., June 25, 1903.

To all affiliated unions: At the request of the unions interested and after due investigation and attempt at settlement the following concerns have been declared unfair: The Payne Engine Co., Elmira, N. Y.; S. R. Bailey & Co., Amesbury, Mass.; Hassett & Hodge, Amesbury, Mass.; Carr, Prescott & Co., Amesbury, Mass. **1011**

Secretaries are requested to read this notice at union meetings and labor and reform press pelase copy.

Fraternally yours,

Samuel Gompers,

President, American Federation of Labor."

Extract from American Federationist, August number, 1903, page 692: **1012**

"NOTICE.

Washington, D. C., July 25th, 1903.

To all affiliated unions: At the request of the unions interested and after due investigation and attempt at settlement, the following concerns have been declared unfair: Carey Bros., Philadelphia, Penna.; Becker, Smith & Page, Philadelphia, Penna.; William Janeway & Co., New Brunswick, N. J.; F. R. Patch Mfg. Co., Rutland, Vt.; Lincoln Iron Works, Rut-

1013 land, Vt. Secretaries are requested to read this notice at Union meetings and labor and reform press please copy.

Fraternally yours,

Samuel Gompers,
President of American Federation of Labor."

Extract from the American Federationist, September, 1903, page 977:

"Washington, D. C., August 25th, 1903.

To all affiliated unions: At the request of the unions interested, and after due investigation and attempt at settlement,
1014 the following concerns have been declared unfair: The John Russell Cutlery Co., Turners Falls, Mass.; D. M. Perry, Indianapolis, Ind.; Davenport Pearl Button Co., Davenport, Iowa; Kremnetz & Co., Newark, N. J. Secretaries are requested to read this notice at union meetings and labor and reform press please copy.

Fraternally yours,

Samuel Gompers,
President American Federation of Labor."

Now I offer to read in evidence from the American Feder-
1015 ationist for the month of December, 1901:

"Editorial by Samuel Gompers, page 540," under the heading "American Federationist, Official Monthly Magazine—

The Court:

Where is it to be found?

(Mr. Davenport shows book to the court.)

The Court:

Well, I think you had better omit that for the present.

Mr. Davenport:

I offer in evidence page 39 of the proceedings of the Convention of 1893, "Resolution No. 24, which is the first official
1016 act establishing the American Federationist."

Mr. Davenport:

We offer it, Your Honor, in proof of the establishment of the Journal that was subsequently made the American Federationist as it is called here. I read from column 1 on page 39 of the report of the proceedings of the American Federation of Labor for the year 1893: "Resolution No. 24, by Delegate Neuroth.

"Whereas discussion of the Labor problem does not receive the attention due it by the recognized factors for dissemi-

nating knowledge and framing it in the minds of the people, and

Whereas, we believe such discussion to be of the greatest importance to the welfare and to bettering the conditions of our industrial classes, and

Whereas monthly magazines are numbered among the best literature of the world, therefore be it

Resolved: That the President of the American Federation of Labor with the advice of the Executive Council, be and is hereby authorized to issue a monthly magazine for the discussion of labor and its interests in all its phases; and be it further,

Resolved: That contributions from writers of recognized ability be solicited and fair remuneration guaranteed.

Resolved: That inducements be offered to agents selected from Labor Organizations in various parts of the country to solicit subscribers.

Resolved: That it is the sense of this convention that steps be taken upon the adoption of these resolutions to carry them into execution.

Adopted."

Recess.

The Court:

You may proceed, Mr. Davenport.

Mr. Mulholland:

This matter that counsel is about to read is objected to solely for the reason that it is prior to the date of the affiliation of the United Hatters with the American Federation of Labor and prior to the date of the formation of the organization known as the United Hatters of North America and is generally immaterial to the issue.

The Court:

Overruled.

Mr. Mulholland:

Exception.

Mr. Davenport:

I read from page 16 of the Proceedings of the Convention of the American Federation of Labor of 1894: this is a portion of the report to that Convention, made by President Gompers to the delegates to the Fourteenth Annual Convention of the American Federation of Labor.

"The last Convention directed the President to issue magazine to be the official Journal of the American Federation of

1021 Labor, designating that officer as its editor. Pursuant to that order the Executive Council decided that the name of the magazine should be the American Federationist; and it becomes my pleasant duty to report that the publication has regularly appeared monthly since March, with good results both to our organization and our cause."

Well, I might as well read the balance of that paragraph:

"I have endeavored to conduct the magazine as a free and open forum for all schools of economic thought, reserving the editorial utterances to a strict advocacy of such principles and policies upon which trade unionists are agreed. It is some 1022 source of gratification to be able to say to you that the American Federationist has met with general commendation and that the labor and reform press of the country look upon it rather as a co-operator than a competitor. Financially considered, the magazine has more than paid the cost of its publication. I would recommend to your consideration the advisability of according the President the opportunity of greater assistance both in his office work, correspondence and editorial management of the magazine." Now, the following year was the year in which Mr. Gompers had ceased to be President and his successor, the president, whose name is given in this report, 1023 in regard to this magazine, Mr. McBridge,—that I desire to read.

Mr. Mulholland:

To that we will object for the same reason as heretofore stated.

The Court:

Yes; well, you can read it.

Mr. Mulholland:

Exception.

Mr. Davenport:

I read from page 12 of the report of the Proceedings of 1024 the Convention of the American Federation of Labor, for the year 1895, page 12, the same being a portion of the report made by President McBridge to the Convention. That was the year, Your Honor will remember—and the only year when Mr. Gompers was not president. I commenced under the heading "Official Magazine." "It affords me pleasure to be able to report that our official magazine, The American Federationist, has achieved success, not only as a literary production, but in a financial way. At the end of the year 1894 there was a debt of $539.33 against it, while on October 31st, last, the amount

had been reduced to $31.10; and at the end of the last month the indebtedness was not only obliterated, but a balance of a hundred dollars placed to its credit, thus showing a financial gain in eleven months time of over $600. As editor of the magazine I neither favored nor discriminated against any school of economic thought, but invited, received and published articles treating upon every phase of economic belief, insisting only upon contributions possessing some literary merit before accepting them for publication. 1025

"On behalf of the American Federation of Labor and through you I desire to thank the Editors of the Labor Press throughout the country for their friendly comment, and the many writers who have contributed to the success of the magazine by gratuitously devoting their time and talent upon the articles furnished us for publication. The success of the magazine is assured, but it should do more than pay for itself; it should be made a source of revenue—and can be, if you will urge upon your constituency the necessity for increasing the circulation of this cheap and popular educator. It is your magazine and its success means your success." Now, following along the line of these reports for awhile, I will read the President's reports for a number of years—but perhaps before I do that I had better diverge and offer to read the resolution here in regard to the United Hatters of North America. I don't know that my brother will object to it, or will require the making of any explanation of it. 1026 1027

Mr. Davenport:

I read from page 75 of the Report of the Convention of the American Federation of Labor for the year 1895, being the first column of that page: "Delegate O'Sullivan moved for the unanimous consent to introduce the following: 'Whereas the United Hatters have received the support of the A. F. of L., notwithstanding that the Hatters have held aloof and refused to tender their support to us, and, 1028

Whereas this organiaztion has never encouraged secession from the Hatters ranks because of such non-affiliation;

Resolved that in the opinion of this Convention the Hatters ought to be a part of the Labor movement of the United States in Line with the Trades Unions.

Adopted."

Mr. Davenport:

Now I am going to ask before I proceed further with this matter to read the Constitution of the American Federation

1029 of Labor in force when these United Hatters joined the organization, and which is to be found in the proceedings of the convention of 1895, page 3.

Mr. Mulholland:

We object to it for the reason that it is immaterial to the issues in this case, and save our exception.

Mr. Davenport:

"Constitution of the American Federation of Labor.

"Preamble.

"Whereas a struggle is going on in all the nations of the civilized world between the oppressors and the oppressed of all
1030 countries; a struggle betweeen the capitalist and the laborer, which grows in intensity from year to year and will work disastrous results to the toiling millions if they are not combined for mutual protection and benefit;

It therefore behooves the representatives of the Trades and Labor Union of America, in convention assembled, to adopt such measures and dissemminate such principles among the mechanics and laborers of our country as will permanently unite them to secure the recognition of the rights to which they are justly entitled.

"We therefore declare ourselves in favor of the forma-
1031 tion of a thorough federation, embracing every trade and labor organization in America organized under the Trade Union System.

"CONSTITUTION:

"ARTICLE I.

"Name.

"This Association shall be known as the 'The American Federation of Labor,' and shall consist of such trade and labor unions as shall conform to its rules and regulations.

1032 "ARTICLE II.

"Objects.

"Section 1. The objects of this federation shall be the encouragement and formation of local trade and labor unions, and the closer federation of such societies through the organization of Central Trade and Labor Unions in every city, and the further combination of such bodies into state, territorial or provincial organizations, to secure legislation in the interests of the working masses.

"Sec. 2. The establishment of National and International Trade Unions, based upon a strict recognition of the

autonomy of each trade, and the promotion and advancement of such bodies. 1033 11

"Sec. 3. An American Federation of all National and International Trade Unions, to aid and assist each other, and furthermore, to secure National Legislation in the interests of the working people, and influence public opinion by peaceful and legal methods in favor of organized labor.

"Sec. 4. To aid and encourage the Labor Press of America.

"ARTICLE III.

"Convention.

"Section 1. The Convention of the Federation shall meet annually at 10:00 A. M. on the second Monday in December, at such place as the delegates have selected at the preceding Convention. 1034 12

"Sec. 2. At the opening of the Convention the President shall take the chair and call the Convention to order and preside during its sessions.

"Sec. 3. The following committees, consisting of five members each, shall be appointed by the President. 1st, Credentials; 2nd, Rules and Order of Business; 3rd, Report of President and Executive Council; 4th, Report of Secretary; 5th, Resolutions; 6th, Laws; 7th, Organization; 8th, Labels and Boycotts; 9th, Grievances; 10th, Local or Federated Bodies. 1035 3

"Sec. 4. The President shall direct the Chief Executive Officers of three national or international unions, at least ten days previous to the holding of the Annual Convention, to appoint one delegate each from their respective delegations-elect; who shall compose an Auditing Committee and this committee shall meet at the place for holding, three days prior to the Convention, and they shall audit the accounts of the Federation for the preceding twelve months. The expenses of said Committee shall be paid out of the funds of the Federation. 1036 1

"Sec. 5. All resolutions of a general character, or propositions for changes in this constitution may be sent by delegates-elect or the officers of affiliated organizations, to the Secretary of the A. F. of L., at least two weeks previous to the assembling of Convention; the Secretary shall have the same compiled and printed as a program of business and mailed to each delegate-elect.

"Sec. 6. The report of the Grievance Committee shall be considered in Executive Session.

1037 "Sec. 7. None other than members of a bona fide trade union shall be permitted to address the Convention or read papers therein, except by a two-thirds vote of the Convention.

"ARTICLE IV.

"Representation.

"Section 1. The basis of representation in the Convention shall be: from National or International Unions, for less than four thousand members, one delegate; four thousand or more, two delegates; eight thousand or more, three delegates; sixteen thousand or more, four delegates; thirty-
1038 two thousand or more, five delegates, and so on; and from each Local or District Trade Organization or Federated Body not connected with, or having a National or International head, affiliated with this Federation, one delegate. The delegates shall be elected at least two weeks previous to the Annual Convention of the A. F. of L. and the names of such delegates shall be forwarded to the Secretary of this body immediately after their election.

"Sec. 2. Questions may be decided by a division or a show of hands; but if a call of the roll is demanded by one tenth of the delegates present, each delegate shall cast one
1039 vote for every one hundred members or major fraction thereof he represents; but no city or state Federation shall be allowed more than one vote. The Secretary shall prepare for use of the Convention printed poll lists containing the number of votes the delegates from National and International Unions are etitled to, based upon the average membership during the year, from reports made to the office of the Federation not later than October 31st succeeding each Annual Convention.

"Sec. 3. No organization which has seceded or has been suspended or expelled from any National or International organization connected with the Federation shall be allowed a
1040 representation or recognition in this Federation or central body or national or international union connected with the A. F. of L. under penalty of the suspension of the body violating this section.

"Sec. 4. No organization shall be entitled to representation unless such organization has applied for and obtained a certificate or affiliation at least one month prior to the Convention, from the President of the Federation; and no person shall be recognized as a delegate who is not a member in good standing of the organization he is elected to represent.

1041

"ARTICLE V.

"Officers.

"Section 1. The Officers of the Federation shall consist of a President, four Vice-Presidents, a Secretary, and a Treasurer, to be elected by the Convention, who shall constitute an Executive Council.

"Sec. 2. The President and Secretary shall be members of the succeeding Convention in case they are not delegates, but without vote.

"Sec. 3. All elective officers shall be members of a local organization connected with the American Federation of 1042
Labor.

"Sec. 4. The terms of the officers of the American Federation of Labor shall expire on the first day of January succeeding the Convention.

"Sec. 5. The President and Secretary shall engage suitable offices for the transaction of the business of the organization at Indianapolis, Ind.

"Sec. 6. All books and financial accounts shall, at all times, be open to the inspection of the President and Executive Council.

"ARTICLE VI.

1043

"Duties of President.

"Section 1. It shall be the duty of the President to preside at all general conventions; to exercise supervision of the Federation throughout its jurisdiction; to sign all official documents; to travel with the consent of the Executive Council whenever required in the interests of the Federation; to submit to the Secretary at the end of each month an itemized account of all moneys, traveling and incidental, expended by him in the interests of the Federation; and at the end of his term of office he shall report his acts and doings to the Annual Convention of the Federation. The President, if not a delegate shall have the casting vote in case of a tie, but 1044
shall not vote at other times. He shall be required to devote all his time to the interests of the Federation. He shall call meetings of the Executive Council when necessary and shall preside over all their deliberations; and he shall receive for his services such sum as the Annual Convention may determine, payable weekly.

"Sec. 2. In case of a vacancy in the office of President, by death, resignation, or other cause, the Secretary shall perform the duties of the President until his successor is

elected. In the event of such a vacancy in said office, it shall be the duty of the Secretary to issue, within six days from the date of such vacancy, a call for a meeting of the Executive Council at the Headquarters of the American Federation of Labor, for the purpose of electing a President to fill said vacancy.

"ARTICLE VII.

"Duties of Secretary.

"Section 1. The duties of the Secretary shall be to take charge of all books, papers and affects of the general office, to conduct the correspondence pertaining to his office; to furnish the elective officers with the necessary stationary; to convene and act as Secretary at the Annual Convention, and furnish to the Committee on Credentials at each Convention a statement of the Financial Standing of each affiliated body with the Federation; to forward on March 1 and September 1 of each year, to the Secretaries of all affiliated organizations a list of names and addresses of Secretaries and organizers in his possession; to keep all letters, documents, accounts, etc., in such a manner as the Annual Convention may direct; to receive and collect all moneys due to the Federation, and to pay them to the Treasurer, taking his receipt therefor; provided that he may retain in his hands a sum not exceeding $250.00 for current expenses, which money shall only be paid out on the approval of the President; to submit to the Auditing Committee for the inspection, vouchers for all moneys expended; to close all accounts of the Federation on October 31st of each year; and all moneys received or disbursed after said date shall not be reported in the general balance account of the ensuing Convention; to publish a Financial Report Monthly in the American Federationist, and send one copy to each affiliated body, and such additional number of copies as may be ordered and paid for by any organization connected with the Federation. His office shall be located in the same office with that of the President. He shall give a bond of $1,000 for the faithful performance of his duties; and for his services he shall receive such sum as the Annual Convention may determine, payable weekly.

"ARTICLE VIII.

"Duties of Treasurer.

"Section 1. The Treasurer shall receive and take charge of all moneys, property and security of the Federation, deliver to him by the Secretary. He shall deposit all moneys be-

longing to the Federation, in bank in his name as Treasurer of the American Federation of Labor; and before any moneys thus deposited can be drawn, each check shall be signed by him as Treasurer. He shall pay through the Secretary, all warrants regularly drawn on him, signed by the President and countersigned by the Secretary, as required by this Constitution, and none others. He shall submit to the annual convention a complete statement of all receipts and disbursements during his term of office, and at the expiration of his term of office he shall deliver up to his successor all moneys, securities, books and papers of the Federation under his control; and for the faithful performance of his duties he shall give a bond in such sum as the Executive Council may determine. The Annual salary of the Treasurer shall be $100.00. 1049 1050

"ARTICLE IX.

"Executive Council.

"Section 1. It shall be the duty of the Executive Council to watch legislative measures directly affecting the interests of working people, and to initiate, whenever necessary, such legislative action as the Convention may direct.

"Sec. 2. The Executive Council shall use every possible means to organize new national or international Trade and Labor unions, and to organize local trade and labor unions and connect them with the federation, until such time as there are a sufficient number to form a National or International Union, when it shall be the duty of the President of the Federation to see that such organization is formed. When a National or International Union has been formed, the President shall notify all Local Unions of that trade to affiliate with such National or International Union; and unless said notification be complied with within three months their charter shall be revoked. 1051

"Sec. 3. The Executive Council shall also prepare and present to the Convention in printed form, concise statement of the details leading up to approved and pending boycottes; and no indorsement for a boycott shall be considered by the Convention except it has been so reported, by the Executive Council. 1052

"Sec. 4. While we recognize the right of each trade to manage its own affairs, it shall be the duty of the Executive Council to secure the unification of all Labor Unions, so far as to assist each other in any trade dispute.

"ARTICLE X.

"Strikes and Lockouts.

"Section 1. In case any National or International or local body affiliated with this Federation shall order a strike, or are locked out, and by reason of financial distress it shall be necessary for it to call on the Federation for aid, the Executive Council, if they deem that such organization is entitled to receive such assistance, shall make an assessment, not exceeding two cents per member per week, upon every other National, International and local body so affiliated with the Federation. Such assessment shall remain in force for a period not exceeding five continuous weeks, unless otherwise ordered by a general vote of all National and International Unions affiliated.

"Sec. 2. Any National or International organization or other body connected with this Federation, failing to comply with the requirements of Sec. 1 of this article, within a period of thirty days shall be suspended, and shall not be reinstated until all arrearages are paid in full.

"Sec. 3. Accompanying a call for an assessment shall be a circular from the President of the Federation, giving a detailed account of the strike or lockout.

"Sec. 4. No affiliated body of the American Federation of Labor shall be entitled to benefit from the strike fund of the Federation until they have been six months affiliated, have paid six months per capita tax to the Federation, and are in good standing.

"ARTICLE XI.

"Revenue.

"Section 1. The revenue of the Federation shall be derived as follows: From International or National Trade Unions, a per capita tax of one-fourth of one per cent per member per month; from Local Trade Unions and Federal Unions, one cent per member per month; and from Central Labor Union of city and state federated bodies, $6.25 every three months. All monies shall be payable to the Secretary of the Federation.

"Sec. 2. Delegates shall not be entitled to a seat in this Federation unless the tax of their organization, as provided for in Sec. 1 of this Article, has been paid in full.

"Sec. 3. Any organization affiliated with this Federation, not paying its per capita tax on or before the 15th of each month, shall be notified of the fact by the Secretary of the Federation, and if at the end of three months it is

still in arrears, it shall become suspended from membership in the Federation, and can only be reinstated by vote of the Convention, when such arrearages are paid in full. 1057

"Sec. 4. Any organization that has withdrawn, or been suspended or expelled, and not reinstated as provided for in Sec. 3 of this Article, shall return its charter and seal of the Office of the American Federation of Labor.

"Sec. 5. Whenever the revenue of the Federation shall warrant such action, the Executive Council shall authorize the sending out of Trade Union Speakers, from place to place, in the interests of the Federation.

"Sec. 6. The remuneration for loss of time by members of the Executive Council or speakers engaged by them, shall $3.50 per day and traveling and hotel expenses. 1058

"Sec. 7. The Executive Council shall have power to make rules to govern matters not in conflict with this Constitution or the Constitution of affiliated unions, and shall report accordingly to the Federation.

"ARTICLE XII.

"Local Central Bodies.

"Section 1. No Central Labor Union or any other central body of delegates shall admit to their councils delegates from any local organization that owes its allegiance to any other body, National or International, hostile to any affiliated organization, or that has been suspended or expelled by a National or International organization of their trade herein affiliated, under penalty of being denied representation in the general convention of this Federation. 1059

"Sec. 2. It shall be the duty of all National and International Unions affiliated with the A. F. of L. to instruct their local unions to join chartered central labor unions in their vicinity where they exist. Similar instructions shall be given by the A. F. of L. to all Federal Labor Unions under its jurisdiction. 1060

"Sec. 3. Where there are one or more Local Unions in any city, belonging to the National or International Unions, affiliated with this Federation, they may organize a Trades Assembly or Central Labor Union, or join such body if already in existence.

"Sec. 4. The Executive Council and Local Central Labor Unions shall use all possible means to organize and connect as Local Unions to National or International Unions, the organizations in their vicinity; to aid the formation of

1061 National or International Unions where none exists, and to organize as Federal Labor Unions where the number of craftsmen preclude other forms of organization.

"ARTICLE XIII.

"Miscellaneous.

"Section 1. Certificates of affiliation shall be granted by the President of the Federation, by and with the consent of the Executive Council, to all National and International Unions and Local Bodies, affiliated with this Federation.

1062 "Sec. 2. Seven wage-workers of good character, following any trade or calling, who are favorable to trade unions, whose trade or calling is not organized, and are not members of any body affiliated with this Federation, who will subscribe to this Constitution, shall have the power to form a local body to be known as a 'Federal Labor Union,' and they shall hold regular meetings for the purpose of strengthening and advancing the Trade Union Movement, and shall have the power to make their own rules in conformity with this Constitution; and shall be granted a Local Certificate by the President of this Federation; provided the request for a Certificate be indorsed by the nearest local or

1063 National Trades Union Officials connected with this Federation.

"Sec. 3. The certificate fee for affiliated bodies shall be $5.00 payable to the Secretary of the Federation, and which shall accompany the application.

"Sec. 4. The A. F. of L. shall refer all applications for certificates of affiliation from Local Unions or Federal Labor Unions from a vicinity where a chartered Central Labor Union exists, to that body, for investigation and approval.

1064 "Sec. 5. Certificates of Affiliation shall not be granted by State Federations of Labor. That power is vested solely in the Executive Council of the A. F. of L., and the Executive Officers of National and International Unions affiliated therewith.

"Sec. 6. Party politics, whether they be Democratic, Republican, Socialistic, Populistic, Prohibition, or any other, shall have no place in the Conventions of the American Federation of Labor.

"Sec. 7. Not more than three Federal Labor Unions shall be chartered in any one city. No Federal Labor Union

shall be recognized as affiliated, if its membership consists of a majority of active members of Trade Unions. 1065

"ARTICLE XIV.

"Amendments.

"This constitution can be amended or altered only at a regular session of the Convention; and to do so it shall require a two-thirds vote."

Mr. Davenport:

Perhaps I did not make it clear to my opponent: I propose to read from the proceedings of the convention of 1890, the report of the President on the subject, "Boycott—the Right and Practice"; it is on page 10; follow that with the report of the Committee on President's Report on page 147 relative to that matter and the action of the convention thereon. That was the convention Your Honor will remember, at which Mr. Sculley, one of the defendants, was a member. 1066

The Court:

You may read it.

Mr. Mulholland:

Exception.

Mr. Davenport: 1067

And then I will follow it up with the editorial.

Mr. Davenport:

I am going to read first from page 10 of the report of the proceedings of the convention of 1909, under the subhead "Boycott—The Right and Practice." It has been my purpose for sometime to present in a comprehensive manner, the right of the workers to employ the power of the boycott. With that object in view, the editorial appearing in the October issue of the American Federationist, under the caption, "The Boycott as a Legitimate Weapon," was written and published. It is commended to your serious consideration. After all, we shall have to contend for the exercise of this right; and out of it will no doubt come the full recognition by all, of the inherent, natural and lawful right to give that which we have to give, to withhold that which we have a right to withhold. In insisting on our right to employ this means to secure relief from onerous conditions, or to secure improved conditions, we realize how necessary it is to employ so powerful a weapon, with the greatest care and discretion. The wanton or unnecessary placing of a business house upon the unfair or boycott list, is to bring that weapon into dis- 1068

1069 repute and ridicule and to render it worse than ineffective, since it must then react upon us to our disadvantage."

Now I read from page 147 of the proceedings of the convention of 1899;—a portion of the report to the convention by delegate Fureseth of the Committee on President's Report to the nineteenth Annual Convention of the American Federation of Labor. "Your Committee on President's Report beg leave to submit the following—

Mr. Mulholland:

To that we object for the reason that it in no wise refers, directly or indirectly, to the issues in this particular case and

1070 is immaterial. Save an exception.

Mr. Davenport:

On page 147, under the heading "10": "We agree most heartily with the President when he says: 'Boycottes, wantonly or unnecessarily placed bring that weapon into disrepute.' It is, we consider, a most serious proposition, and trust the delegates to this convention will give to the matter the serious consideration it deserves. As to the right of Labor Unions to use the boycott, we heartily with the President in his contention that it is our God-given, natural right, to bestow collectively that which we have the right to bestow individually, and to withhold collectively that which we have

1071 the right to withhold individually. We cannot close this subject without urging the careful reading of the article, 'The Boycott as a Legitimate Weapon,' published in the Federationist for October."

On page 150 the report of the Committee as amended was then adopted, the amendment having no reference at all to the subject of the report.

And now I read from the American Federationist, being Plaintiff's Exhibit 34, for the month of October, 1899, on page 192.

Objection and exception.

1072 Mr. Davenport:

"The Boycott as a Legitimate Weapon." Organized Labor has claimed and continues to claim the right to use the Boycott. On the other hand, its opponents, and particularly the newspapers have not ceased denouncing the boycott as an unlawful, aggressive, un-American, intolerable mode of warfare. There are several court decisions, though none from any of the ultimate courts of appeal, in which the same view is taken. One or two judges have upheld the boycott, and even in the anti-boycott opinion certain significant admissions

may be noted, which we will presently show logically sur- 1073
render the whole case against the practice in question. No fair minded man will deny that the subject is an open one, and it is therefore profitable and proper to review the controversy and state labor's view of the matter.

What is the boycott? There is, fortunately no reason for any difference upon the right definition of the term. In Anderson's Law Dictionary, a boycott is defined 'A combination between persons to suspend or discontinue dealings or patronage with another persons or persons, because of a refusal to comply with a request of him or them. The purpose is to constrain acquiescence or to force submission on 1074
the part of the individual, who, by non-compliance with the demand, has rendered himself obnoxious to the immediate parties, and perhaps to their personal and fraternal associates.'

The first question to be answered is whether the criminal laws of the United States or of the several component states, plainly, directly and unequivocally declare a combination between persons to suspend patronage—the essence of the definition—to be illegal. The answer is a negative one. There is no law in any state or in the Nation forbidding any or all combinations to discontinue dealings with obnoxious persons. 1075

In connection with the pending boycott operations in New York and Ohio, it has been acknowledged, though not without regret on the part of some, that in neither of the great states named is boycotting a statutory offense. Indeed it would be impossible to frame a law rendering all forms of boycotting criminal. No one has ventured to advance so absurd and monstrous a proposal, and the courts themselves have had to recognize the perfect legitimacy of at least one form of boycotting. Thus Judge Spring of New York, whose decision in the Buffalo Express case, rendered a year or so ago, has recently been given wide publicity on account of its supposed strength, lucidity and thoroughness, distinctly declared: 1076
'the Labor Organization had the right to refuse to patronize the Express, or to give support to any patron of that paper.'

If words have meaning this sentence establishes the legality of boycotting. We must bear in mind that the difficulty with the Express involved a number of separate organizations—compositors, pressmen, stereotypers—and that they all acted in concert as members of the Buffalo Allied Printers Unions. If these Unions had the right to boycott —that is, discontinue dealing with the Express and all its

1077 patrons, it can only be because a combination of any number of men having community of interest, to boycott an obnoxious person or persons is not unlawful. So far, then, as the agreed workmen were concerned there was no issue. Judge Spring conceded then, the right to boycott the Express and its patrons, or advertisers and readers.

Can it be contended that the New York judge went too far and erred on the side of laxity or generosity to the boycotters? Not with any show of reason. Any other view is nonsensical on its face. Neither the Express nor its patrons had any vested claim or right to the patronage of the strikers.
1078 The strikers were free to bestow their patronage on whom they please and none could call upon them to assign reasons for the preferences. They were not obliged to purchase the Express nor were they under obligations to deal with the merchants who used their advertising pages of the newspaper. We take it, therefore, that any court would feel itself bound to affirm the principle laid down in the sentence quoted from Judge Spring's opinion. And that sentence, we repeat, establishes the proprietary and legality of simple, passive boycotting by people having a common grievance against one or more persons, even if the grievance be wholly imaginary or trivial.

1079 At what point, then, does boycotting become criminal and a combination to suspend dealings pass into a conspiracy? This is the crucial question. The Buffalo Express case being typical, we may continue to use it as the basis for our argument. The offense of the boycotters, according to Judge Spring, consisted in this—that they did not limit the combination to members of allied printers' unions, who were directly interested in the dispute, but proceeded to enlist all other labor unions in Buffalo in the common undertaking to root out The Express or to coerce it into assenting to
1080 the domination of this Union. The other Labor Unions joined in the boycott and passed resolutions refusing to patronize the paper and its advertisers, and a special organ was established to push the company and spread the boycott. The consummation of this scheme, the Judge says, 'was not insidious, but open, defiant and unmistakable.' In other words, the original boycotters, who acted within their right in suspending their dealings with the Express and its advertisers, openly appealed, requested and urged others, not concerned in the difficulty, to become parties to the boycott.

Now for the sake of simplicity, assume first that this 1081 9
'opened and defiant' appeal was accompanied by no threats of any kind. Let us assume that the original boycotters limited themselves to moral suasion and, in the name of such principals as the solidarity of labor, the justice for demand for fair wages, the economic advantages of strong labor organizations and so on, they merely requested and exorted other workmen and elements in sympathy with labor to join in their boycott, would such a course be unlawful? If such appeals and arguments are successful and extend the boycott to outsiders, do we have a case of criminal conspiracy? Are the appellants also guilty of any wrong doing, and are those 1082 0
who respond to the appeal guilty of some sort of crime?

There is nothing in law or morality to warrant affirmative answers to these queries. There are no decisions upon the hypothetical point raised. We may take it for granted, however, that the most rabid anti-boycott agitator will not venture to assert that boycotters may not resort to moral suasion in trying to enlist others, or that outsiders may not heed boycotter's appeals, and of their own free will suspend dealings with the persons or firms that had incurred the displeasure of their friends, associates or patrons. Strikers have the right to appeal to their friends to aid them by going 1083 1
out on a sympathetic strike, and that their friends have the right to act upon such an appeal. Precisely the same principle applies to boycotters. A sympathetic boycott is as legal and legitimate as a sympathetic strike. Just as men may strike for any reason, or without reason at all, so may they suspend dealings with merchants or others for any reason or for no reason at all. Thus a boycott may extend to an entire community without falling under the condemnation of any moral or constitutional or statutory law. But, we shall be triumphantly told; boycotters never do confine themselves to moral suasion and appeal; that resort to threats, intimidation and 1084 2
coercion, and it is that which makes what is called 'compound boycotting'—that is, boycotting which extends to parties not concerned in the original dispute—criminal and aggressive. Under the criminal code of New York and other states, it is a criminal conspiracy to prevent a person or persons from exercising a lawful trade or calling, or doing any other lawful act, by force, threats, intimidation, or by interfering, or threatening to interfere, with tools, implements or property, or with the use and employment thereof.' Boycotters who try to coerce people into complying with their demands, by

1085 threats and intimidation, clearly come within the definition of conspiracy; hence in the last analysis, the objection to boycotting is an objection to threats and intimidations.

This sounds very plausible. It is easy to deduce from such premises that boycotters interfere with property rights and the pursuit of lawful callings and that under the National and State Constitutions, to say nothing about explicit anti-conspiracy laws they are to be held severally and criminally liable. It is easy to talk about protection of property rights, the tyranny of preventing people from earning a livelihood, the duty of the government to secure the equal protection of
1086 the laws, etc.; but this argument about the employment of threats and intimidation is fallacious and superficial. Its apparent validity disappears when, not satisfied with ugly looking words, we demand precise definitions. No one pretends for a moment that it would be proper for a boycotter to approach a merchant and say: 'You must join us in suspending all dealings with that employer or newspaper or advertiser on pain of having your house set on fire, or of a physical assault.' This would be an unlawful threat and people who try to enlist others in their campaign, by threats of this character, would certainly be guilty of a criminal conspiracy.

1087 Do boycotters use such threats? Do they contend for the right to employ force or threats of force? Our worst enemies do not contend that they do. They threaten, but what do they threaten? They intimidate, but how? Let Judge Taft, who issued his sweeping anti-boycott injunction, be a witness on this point. He said: 'As usually understood a boycott is a combination of many, to cause a loss to one person, by coercing others, against their will, to withdraw from him their beneficial interests, through threats that unless those others do so, the many will cause similar loss to them.'

This, then, is the threat; this the intimidation. The boy-
1088 cotters threaten third parties to boycott; then, if they refuse, to join in the boycott of the original subjects of the campaign. In other words the boycotters say to the others: 'if you decline to aid us in our struggle, we will suspend dealings with you and transfer our custom to those who do sympathize with us and will support us.' The question which the judges and editors who glibly denounce boycotting have never paused to explain, how a mere threat to suspend dealings can be a criminal threat like a threat to assault person or property no man in his senses will dispute this axiomatic proposition, namely; that a man has a right to threaten that

which he has a right to carry out. You may not threaten murder, arson, assault, battery, libel, because these things are crimes or torts; but you may threaten to cease admire him or taking his advice, because he has no claim to your admiration or obedience; and you are at liberty to cease doing that which you have freely and voluntarily done. Similarly you may tell a man that if he does a certain thing you will never speak to him or call at his house. This is a threat, but is a threat that you have a right to make. Why; because you have a right to do that which you threaten. **1089**

The same thing is strictly true of boycotting—of suspension of dealings with merchants, publishers, carriers, cabmen and others. You may threaten to take your custom away from them, and assign any reason you choose. They are not entitled to your custom as a matter of legal or moral right, and you are at liberty to withdraw and transfer it any time and for any conceivable reason. It follows, beyond all question, that you have a perfect right to threaten to withdraw your custom. The principle is the same, whether you threaten one man or a hundred men; whether you are alone in threatening the withdrawal of your custom or are a member of a vast combination of people acting together in the premises. **1090**

Is not the result, coercion of men to do certain things against their will? Very likely; but not all forms of coercion are criminal. Coercion is another term with an ugly and ominous sound which is freely used to intimidate the thoughtless. The legality or illegality or coercion depends on the method used. A man may be coerced by actual force, by the threat of force, or by indirect means which the law can not and does not prohibit. Coercion by threats to suspend dealings, is, to revert to our illustration, in the same category with coercion through a threat to cease friendly intercourse. **1091**

With this elementary principal in mind, the case against the boycott utterly collapses. An agreement to boycott any number of persons is not a criminal conspiracy, and, a fortiori, an agreement among any number, to threaten a boycott, cannot be a criminal conspiracy. **1092**

Let us consider briefly a few of the propositions and pseudo arguments which we find in judicial pronouncements upon the subject. In a New York case it was said: 'The word itself (meaning the term, boycott) implies a threat.' Granted; but what kind of a threat? A threat to boycott. To say that boycotting is criminal because the word 'boycott' implies a

1093 threat to boycott, is truly extraordinary reasoning. It is worse than reasoning in a vicious circle. It is an attempt at proving a less doubtful propositon by assuming a more doubtful one to be indisputably true. Further, in the same case: 'in popular acceptation, it (the boycott) is an organized effort to exclude a person from business relations with others, by persuasion, intimidation, and other acts which tend to violence; and they coerce him, through fear of resulting injury, to submit to dictation.'

We have already exposed the question-begging and superficial use of the terms intimidations, coercions and threats,
1094 but the insinuation that threats of boycotting tend to violence, is particularly gratuitious and absurd. Why does boycotting or the threats of boycotting tend to violence? What connection is there between suspending dealings and violence? To suspend dealings is every man's right; to use violence, save in self defense, no man's.

In another New York case we read: 'A conspiracy to injure a person's business by threatening persons from entering his employment, by threats and intimidations, is a crime at common law.' How clear and forcible! What does 'threatening persons by threats' mean? Leave out the terri-
1095 fying and favorite word 'threat' and the proposition is this: it is a crime to injure a person by telling others that if they do not discontinue dealings with him, dealings with them will be discontinued. It is quite possible that this was a crime under the old common law. An agreement to strike for higher wages was a crime in the early days of our government, under the common law. The common law was vague, obscure, and, as interpreted in less enlightened days, tyrannical. The common law as to strikes has been abandoned; and it will have to be abandoned as to the boycott.

Men have a right to do business; but this is one-half
1096 of the truth. The men with whom business is done have a right to withdraw and transfer their custom. This is the other half, which is always ignored in anti-boycott arguments. Keep the two halves in view, and boycotting on any scale, and for any reason, becomes a direct, unavoidable deduction.

Labor claims the right to suspend dealings with any and all who refuse to support what it considers its legitimate demands. The decisions are confused, and the question is new; but ultimately, the right of any man to do with his patronage what he pleases, must be recognized.

Workmen have a right to say that they will not patronize **1097**
those who are unfriendly to them and those who support their adversaries. This is all that boycotting implies. Their is no aggression here: no criminal purpose, and no criminal way of accomplishing a proper purpose."

Mr. Davenport:

I offer to read in evidence from proceedings of the convention of 1895, page 57, Report of Committee and the action of the convention establishing the Department of Organizers.

Mr. Beach:

That is objected to.

The Court: **1098**

Note the exception.

Mr. Davenport:

I read from the second column on page 57 of the proceedings of the 1895 convention commencing: "Committee on Secretary's Report."—"On the matter of organizers referred to in the Report, the Committee respectfully recommends the following: that a special department, to be known as the Department of Organizers be created and that the Executive Council be directed to make a Special Annual Report on its work, in the end that we shall know just what is being accomplished by the A. F. of L. in the way of organizing **1099**
the unorganized; that monthly report blanks be furnished to the organizers, and they be required to send in the same each month, giving, among the other matters necessary to report, the following:

a. Number of unions organized during the month.

b. Occupations of the members of such unions.

c. Strikes and lockouts in the locality during the month.

d. Causes and results of such strikes or lockouts. Benefits secured.

e. If no organizations have been formed, the reason why.

f. Information of service to the Executive Council. **1100**

The Committee further recommends that great care be taken in the selection of organizers, and that if they are not advancing the cause of trade unionism, that their commissions be withdrawn.

J. O'Sullivan,
H. M. Eaton,
P. McBryde,
A. Fureseth,
J. Gelson.

1101 Adopted."

Now, Your Honor, I will turn to the Report of the President relative to the American Federationist and I propose to read now from page 24 of the Report of the Proceedings of the American Federation of Labor for the year 1896.

Mr. Mulholland:

To which we object.

The Court:

Well I think that article that is marked there you may read.

Mr. Mulholland:

1102 Save an exception.

Mr. Davenport:

Under the heading "Our Magazine." "In its editorial department I have ever kept in view the purposes for which the magazine was authorized, viz., to further the interests of the workers; to advocate and defend the Trade Union Movement; to instill hope and courage into the workers that they have it in their hands, in their power to bring about whatever change in our economic, social and political life, whenever they are so determined to register their will. If our fellow-unionists who are organized, will but

1103 perform their duty in the premises, there is no reason why the American Federationist should not become the leading magazine on the economics and be the foremost literary publication of the American wage-workers. In my judgment, we should devote more attention to the extension of the beneficient influences which our magazine can exert, and I submit a recommendation on this subject elsewhere in this report."

Now in the next year of the journal 1897—do you object to this (showing same to Mr. Mulholland)?

Mr. Mulholland:

Yes.

1104 Mr. Davenport:

I offer in evidence and desire to read in the Report of the Proceedings of the Convention of 1897 part of page 23 under the heading of "Boycottes and Court Decisions."

The Court:

Admitted. Note the exception.

Mr. Davenport:

I read from page 23 of the Report of the Proceedings of the Convention of 1897 "Boycottes and Court Decisions. Recently one of the branches of Federal Courts decided

by a majority vote that the boycott is illegal. Whether the **1105**
decision rendered is applicable to all cases or simply to the one immediately under consideration has not yet fully transpired. It is manifest that the workers should have the same right which other citizens enjoy—the right which neither constitutions grant nor courts can deny—the right to stand by our friends, patronize our sympathizers and co-operators, and to withhold our patronage from those who are antagonistic to us and our cause, and the further right to acquaint our people with our preferences. While there is no desire here to argue in favor of our rights, we should demand the change of any law which curbs the privilege **1106**
and the right of the workers to exercise their normal and natural preferences. In the meantime we should proceed as we have of old, and wherever a court shall issue an injunction restraining any of our fellow workers from placing a concern hostile to labor's interest on our unfair list; enjoining the workers from issuing notices of this character, the further suggestion is made that upon any letter or circular issued upon a matter of this character, after stating the name of the unfair firm and the grievance complained of, the words 'we have been enjoined by the courts from boycotting this concern,' could be added with advantage. **1107**

In connection with this subject it is well to bear in mind that this weapon of labor is mose potent, and one which should be exercised with the greatest degree of care, and with an intense purpose to be absolutely just. An unjust or inconsiderate boycott does more to injure the cause of labor than a hundred victories achieved through its agency. Whenever an application has been submitted to headquarters an investigation was instituted, and the concern complained against given an opportunity to state its version of the matters in dispute. In no case has a concern been placed upon our 'We Don't Patronize' list, until it has had an opportunity to be heard in its own defense. In each **1108**
of the letters to employers upon these subjects it was accompanied by the suggestion on an adjustment mutually honorable and advantageous, and tendering, if necessary our good offices to accomplish that purpose.

At times organizations have objected to the time between submitting the application and the approval of the same by the Executive Council. They have labored under the impression that their simple statement of their complaint should be sufficient, and have, therefore, been im-

1109 patient with what they regard as unnecessary delay. They fail to realize that we must not only possess the might, but that we must also be in the right. Then again, it is pleasing, and especially worthy of your attention that of the applications submitted, fully one-third were adjusted through the American Federation of Labor Office without the necessity of placing the concerns upon our unfair list."

Now in the proceedings of the year 1896 I direct attention to page 7, List of Delegates to the Sixteenth Annual Convention; being the convention of the year 1896.

Mr. Davenport:

1110 I am first going to read on page 7 under the heading of "Delegates to the Sixteenth Annual Convention" these words: "Hatters of North America, United, 2." That is the number of delegates. "Number of votes each delegate 30. Edward Barrett, South Norwalk, Conn., J. Phillips, 477 Park Avenue, Brooklyn. N. Y."

Now on page 16 of the Reports of the Proceedings of the Convention of 1896—

Mr. Mulholland:

That is objected to.

The Court:

1111 Admitted.

Mr. Mulholland:

Exception.

Mr. Davenport:

Near the bottom of "the President appointed the following Committees"—"Committee on Labels and Boycottes—John Phillips, George A. Whittaker, John F. Tobin, D. J. Sullivan, Chas F. Bechtold."

Now I next propose to read so much of the report of that Committee as regards a resolution offered by Mr. Phillips himself to be found on page 54 at the bottom of first column.

1112 Mr. Mulholland:

Objected to.

The Court:

Admitted.

Mr. Mulholland:

Exception

Mr. Davenport:

"Whereas, The Hat Finishers International Association and The Hat Makers National Association have re-

cently been amalgamated into one organization, to be known as The United Hatters of North America; and, 1113

Whereas, This amalgamated body will now have full authority and jurisdiction over the felt hatting trade and over the Hatter's Union Label; and we are now taking steps to place the label in a position where it will be still more effective than it has been in the past; therefore, be it

Resolved, That the delegates here assembled do most sincerely and emphatically endorse the label of The United Hatters of North America, and we call upon all affiliated unions of the American Federation of Labor to support the latter's label in every way possible. 1114

Resolved that the most effectual way to support the label is to refuse to purchase any fur or felt hat that has not a genuine label stitched into it.

Resolved that we hereby pledge ourselves to uphold the United Hatters of North America in their efforts to make their label a success, and we also pledge ourselves not to buy or wear any fur or felt hat, either soft or stiff, unless the genuine union label is stitched into it.

Recommend its adoption. Approved."

Now I offer in evidence so much of the report of the proceedings of the Convention of the American Federation of Labor for the year 1896 found on page 53 as includes Report of the Committee on Labels and Boycott. 1115

Mr. Mulholland:

Just a moment please. It is objected to. The reason is, if the court please, that it has absolutely nothing to do with the case on trial, and for the further reason that it is dated about six years prior to the date of any allegation of injury to Leowe & Company.

The Court:

I think I will let you put it in but it is way back.

Mr. Mulholland:

Save an exception please. 1116

Mr. Davenport:

"Committee on Labels and Boycotts reported, etc. By Delegate Pollard: Whereas, the Executive Council of the A. F. of L. have endorsed the boycott of the Elastic Goring Weavers Amalgamated Association against the firm of Thomas Taylor & Son of Hudson, Massachusetts, manufacturers of elastic goring for shoes; therefore be it

Resolved that the A. F. of L. in convention assembled, call upon all organizations affiliated with the A. F. of L. to

assist the Elastic Goring Weavers in their fight against the unfair firm of Thomas Taylor & Son. Recommend adoption. Approved."

Now I offer the following resolution.

Mr. Mulholland:

We object.

Mr. Beach:

Any of the same character we object to.

Mr. Davenport:

Oh, yes, they run along here, continuous action by this body through these very delegates of this body; by Delegates Tobin and Murry. I read on page 54.

Mr. Beach:

That comes in under the same ruling—and exception.

Mr. Davenport:

"Resolved that this Sixteenth Annual Convention of the American Federation of Labor declares it to be the duty of the Trade Unionists to not only purchase the products of Union Labor as indicated by the Union Labels and Trade Marks of the various industries; and that it shall also be their duty to see that their wives and families patronize union products. Recommend adoption. Approved."

By Delegate John White: Resolved that whereas the American Tobacco Company still persists in stubbornly refusing to recognize the right of its employees to organize; and,

Whereas the spirit of antagonism in its relations toward organized labor is fostered and maintained by said American Tobacco Company; and, Whereas the American Federation of Labor at its last convention held in New York City, after a futile attempt by an appointed committee from the convention to adjust the difficulty with this corporation trust, gave its endorsement to the boycott placed upon this concern by the National Tobacco Workers' Unions of America; Therefore be

Resolved that in view of the facts above stated, we re-affirm the position taken by the Federation Convention held in New York; be it further

Resolved that the delegates to this convention are earnestly requested upon their return to their respective constituencies, to use their influence in preventing the patronizing of the brands of tobacco and cigarettes made by any of the manufacturers who are now connected with the tobacco trust; Be it further

Resolved that these resolutions be incorporated in the proceedings of this convention. 1121

Recommend adoption. Approved."

Recess until two o'clock P. M.

Afternoon Session. Two O'clock P. M.

Mr. Davenport:

I desire to offer in evidence and read from the report of the proceedings of a convention for the year 1902 of the American Federation of Labor page 24 being a portion of the Reports of the President to the Organization.

Mr. Mulholland:

To which defendants object. 1122

The Court:

Objection overruled.

Mr. Mulholland:

Exception.

Mr. Davenport:

Under the heading "American Federationist. Our Official Monthly magazine, the American Federationist should be a source of pride to every trade unionist, as it has become regarded by all students and thinkers, as well as the active participants in our movement, as the text book of the trade union movement, the movement of the wage earners, as it is and aspires to become. No magazine 1123 in the world can truly boast of as large and comprehensive a list of noted writers and contributors on economic subjects. No where is published, other than in the American Federationist, so complete, reliable, and new facts gathered from every field of industry. It is a perfect reflex of labor's doings, freshly culled by those most active participants in the doings.

During the past year its columns have contained symposiums on the great economic questions of the day, the histories of the formation, growth, and work of the trade union movement in our country, the purposes for which 1124 our movement stands, and the means to be employed to accomplished."

Mr. Davenport:

I offer in evidence from the American Federationist for the month of November, 1902, commencing on page 808, an editorial "The A. F. of L. and the Boycott."

The Court:

Proceed, Mr. Davenport.

1125 Mr. Mulholland:

Note an exception.

Mr. Davenport:

"It publishes the actions of your officers, statistical information, and the state of employment, circulars of an important character, and financial statements." Now that was referred to the committee on president's report—

The Court (Interrupting):

You may read it, and note an exception.

Mr. Davenport:

I have read it.

1126 Mr. Mulholland:

My objection is to an editorial that he is about to read.

The Court:

You may read it.

Mr. Mulholland:

An exception.

Mr. Davenport:

This was published in November, 1902.

"The A. F. of L. and the 'Boycott.'

"A truly wonderful and Pickwickian discovery has been made by a certain section of the press, thanks to a pamphlet (privately printed and circulated 'where it would
1127 do the most good') by Mr. Walton Gordon Merritt. This precious document is entitled 'The Neglected Side of Trade Unionism, the Boycott.' Mr. Merritt, who seems to be ignorant of the history of the movement for the emancipation of labor in Great Britain and the United States, attempts to prove that 'the essence of the union policy is a conspiracy in restraint of trade to raise the price of labor in defiance of competition.'

"Barring the question-begging terms 'conspiracy,' 'restraint of trade,' and 'defiance,' the statement is quite accurate. The essence of the union policy is co-operation
1128 and concerted action of free men to determine the price of their labor and services, and to substitute collective bargaining for the competition so dear to the capitalists among individual workmen, who, as the world knows, are doing their best—and worst—to get rid of competition in their sphere.

"To the charge, then, that unionism seeks to raise wages, reduce hours, and improve the conditions of labor by co-operative effort, the American Federation of Labor

cheerfully and unrepentantly pleads guilty. It has law and morality on its side. 1129

"In several states, as the plutocratic and pseudo-individualistic 'devil's advocates' should know, legislation specifically proves that agreements among workmen for the purpose of securing better wages and shorter hours shall not be deemed conspiracies in restraint of trade.

"The courts have iterated and reiterated the proposition that collective bargaining, even when enforced by the strike, is not illegal. That it is not immoral scarcely needs saying.

"How can it be immoral for free men to act together in asserting and vindicating their inalienable rights? 1130

"But we shall be told, perhaps, that so far we are attacking men of straw, and that no reasonable man nowadays denies the right of workmen to combine for legitimate purposes. The head and front of unionist offending, it appears, is the boycott. A New York paper boldly says that the object of unionism is monopoly through the boycott, and this, forsooth, is dreadful, intolerable, monstrous! Let us quote an extraordinary passage from the paper in question which derives its information from Mr. Merritt's 'privately printed' pamphlet:

"'Nothing less is sought than monopoly in favor of a unionist oligarchy which comprises less than one-tenth of American wage-earners. Compared with this programme (systematic and far-reaching boycotting) the attempt to restrict production and to set up a ludicrous maximum for a day's work (a practice most notoriously exemplified by the regulations of the Bricklayers' Union) becomes insignificant, while even terrorism of the non-union laborer is less dangerous because more overt and amenable to the ordinary processes of law. Until the general boycott ceases to be the regular policy of the American Federation of Labor and its constituent unions, those who believe in the right of labor to work, of industry to sell its products freely, of invention and capital to seek their reasonable profit—in fact all who believe simply in fair play—should unite against this abuse.' 1131 1132

"We beg to say plainly and distinctly to Mr. Merritt and his fellow-sympathizers that the American Federation of Labor will never abandon the boycott and that the threats against the Federation are idle, impudent and impotent.

1133 "The American Federation of Labor claims the right to brand concerns as unfair, and to have its 'fair list' of friendly and worthy dealers. Has the Consumers' League been denounced as a criminal conspiracy to injure certain concerns by means of the boycott? The league, to be sure, does not say 'Do not patronize such and such firms.' It says: 'Do patronize the firms on our White List.' But the form is wholly immaterial; the league's whole existence and activity is bound up with the principle of discriminating for certain reasons against certain manufacturers and merchants. Why do not the straw individuals attack the
1134 Consumers' League?

"In every number of the American Federationist there is published a list of firms which we do not patronize, for reasons deemed good and sufficient by the officers and members of the American Federation of Labor. Mr. Merritt in his pamphlet quotes a 'notice' which appeared in the February issue of the American Federationist, addressed by the president of the American Federation of Labor to all affiliated unions, in which, at the request of certain trade or local organizations, certain concerns were declared unfair. And on this circular the charge of conspiracy is based.

1135 "What a perilous situation! The unions are asked not to patronize those hostile to organized labor. In addition they are asked to solicit the aid and co-operation of all their allies and sympathizers. Why, this may spell ruin and bankruptcy to the boycotted! Certainly it may; but what follows from this? Nothing whatever, except that the rabid and indignant critics of the American Federation of Labor have no intelligent notion of the ideas represented by the terms 'liberty,' 'contract,' etc.

"Organized labor believes in and thoroughly recognizes 'the right of labor of work, of industry to sell its
1136 product freely, of invention and capital to seek their reasonable profits.' It at the same time insists upon the right to dispose of its patronage as it pleases and sees fit. Between these two positions there is not the slightest inconsistency.

"A man's right to work does not include the right to compel another man to work with him or for him. That 'other man' who is generally overlooked by the straw individualist, has the right not to work.

"A man's right to sell his products freely does not include the right to compel another man to buy them. The

other man has a right to abstain from buying them, or to go to some other dealers on the next street. **1137**

"A man's right to seek reasonable profits does not include the right to compel another man to pay him that profit.

"These propositions are self-evident. Even the pseudo-individualists will not dispute them. Yet upon them rests the whole policy of the boycott. The boycott is merely another name for the use of one's patronage at will and discretion.

"It will, perhaps, be said that there is no legal or moral objection to one man boycotting a firm; but that the criminal element appears when many men, not severally and independently, but in combination, maintain a boycott. **1138** We boldly assert in reply that what a thousand men may do severally and individually, they may do in concert and in pursuance of an agreement.

"Numbers do not make that criminal which is not criminal when done by individuals.

"The ancient fallacies of 'conspiracy' underlie the denunciations of the concerted boycott as they underlie the denunciations of the concerted strike in earlier days. If men may combine to strike peaceably, they may combine to boycott peaceably. **1139** Neither method is aggressive or invasive, both are forms of passive resistance.

"The policy of the boycott, therefore, is the policy of liberty—of equal liberty. It deprives no one of anything to which he is entitled.

"A man's patronage is his own, to give or withhold as he sees fit, and it is absurd to demand of organized labor and of the friends of organized labor that they shall patronize their enemies and discriminate against their well-wishers.

"Where a boycott circular misstates facts to a man's injury, where it involves libel, the law affords ample remedy; **1140** but in that case the offense is in the libel, not in the boycott. The policy of the American Federation of Labor does not involve libel. It involves neither more nor less than the publication of the truth concerning those to whom organized labor decides not to give its patronage.

"We challenge the honest but superficial critics of the American Federation of Labor and its policy, to refute this argument. Let them convince labor that the peaceable boycott

1141 is an infringement upon equal liberty, and it will then be discarded, not before."

I want to read now an editorial in evidence from the American Federationist of November, 1902, page 807.

Mr. Mulholland:

It is objected to, and an exception.

Mr. Davenport:

"Editorial. The enemies of trade unionism constantly proclaim the inefficiency of trade union activity, and declare that the strike and boycott are dead. Organized labor has been in controversy with the following: the largest
1142 concerns in their respective lines: Henry H. Roeloff, Philadelphia, Pa., Rice & Hutchins, Marlboro, Mass., Bellesville Brick Co., Belleville, Ill., Whittimore & Co., Boston, Mass. A reference to the September issue of the American Federationist will show that these houses have become unionized, accepting the union scale of wages, hours and other conditions. The Miners' strike was a great victory for principle. Truly the professions and proclamations of trade union enemies of trade union inefficiency are becoming fully verified."

The reference to the September Federationist is as
1143 follows:

Mr. Davenport:

Under the head of "Official. Special notice."

Mr. Mulholland:

We object to it, and an exception.

Mr. Davenport:

I read from page 649 of this September, 1902, Federationist under the heading "Official."

"Special Notice. Headquarters of the American Federation of Labor, Washington, D. C., August 25, 1902. To all affiliated Unions: A satisfactory settlement of the difference existing between the Unions and the Belleville
1144 Brick Company, Belleville, Illinois, Whittimore & Company, Boston, Mass., Henry H. Roeloff & Co., Philadelphia, Pa., Rice & Hutchins, Marlboro, Mass., having been reached, and said firms now operating Union shops, the same are removed from our 'We don't Patronize List' and placed on our 'Fair List.' Secretaries are requested to read this notice at Union meetings, and labor and reform press please copy. Fraternally, Samuel Gompers, President A. F. of L."

Mr. Mulholland: 1145

I want to make an objection to the whole matter which counsel now proposes to read, an article on "What our Organizers are doing."

Mr. Mulholland:

May I ask a question? Do I understand, Mr. Davenport, that you are only offering this to prove the publication?

Mr. Davenport:

Sure.

Mr. Mulholland:

And not to prove the facts stated? 1146

Mr. Merritt:

To prove the facts too.

Mr. Mulholland:

That is what I thought, and that is what was argued before the jury before.

The Court:

You may proceed.

Mr. Mulholland:

Save an exception.

Mr. Davenport:

Now to abbreviate and simplify this matter I will read one statement which precedes them all in the various volumes. I will read this one that I happen to turn to, at page 241 of the Federationist for May, 1902. 1147

"What our Organizers are Doing from the Atlantic to the Pacific.

"In this department is presented a comprehensive review of labor conditions throughout the country.

"This includes.

"A statement by American Federation of Labor organizers of labor conditions in their vicinity.

"Increases in wages, reduction of hours or improved conditions gained without strikes. 1148

"Work done for union labels.

"Unions organized during the last month.

"City ordinances or state laws passed favorable to labor.

"Strikes or lockouts; causes, results.

"Injunctions.

"A report of this sort is rather a formidable task when it is remembered that more than 800 of the organizers are volunteers, doing the organizing work and writing their

1149 reports after the day's toil is finished in factory, mill or mine.

"The matter herewith presented is valuable to all who take an intelligent interest in the industrial development of the country. It is accurate, varied and comprehensive. The information comes from those familiar with the conditions of which they write.

"These organizers are themselves wage-workers. They participate in the struggles of the people for better conditions, help to win the victories, aid in securing legislation—in short, do the thousand and one things that go to round out the practical labor movement.

1150

"They are the advisers and helpers of those yet unorganized. They co-operate with unions in the many branches of work which are constantly being undertaken. The reports sent in to this department represent only one of the many kinds of voluntary service which American Federation of Labor organizers give in order that the general public may have a better conception of the methods and aims of organized workmen.

"Through an exchange of views in this department the wageworkers in various sections of the country and the manifold branches of trade are kept in close touch with each other.

1151

"Taken in connection with the reports from national and international secretaries, this department gives a luminous vision of industrial advancement throughout the country.

"'Peace and good will' is the golden thread running through the woof of labor's struggles and achievements and hopes. Scarcely a report but brings the good tidings of conditions bettered and homes made brighter by the united efforts of men who formerly were isolated and friendless.

1152

"The spirit of unionism is abroad in the land. Labor surveys its achievements with pardonable pride and promises still greater results for the future through organized effort."

Now with that heading preceding each of these reports, I will start in and read a specimen on page 242:

"Hatters. John Phillips." His report is: "Trade is fairly good. Don't hear any complaints. Only one strike on hand. No lockouts. No friction, and no trouble anywhere."

"Alabama. **1153**

"Birmingham. J. H. Leath reports, 'Boycott against Tobacco Trust is being pushed.' "

Mr. Davenport:

"Arkansas.

"Paragould. W. T. Reynolds reports 'All Boycotts are being pushed.' "

"California.

"Los Angeles. L. D. Biddle reports, 'Women's Union Label League is proving a power in our boycott, and a great helper in building up our organization.' "

"Illinois. **1154**

"Decatur. Organizer reports, 'All American Federation of Labor boycotts are being pushed.'

"Freeport. W. W. Young reports, 'Boycott against Radiant Home Stove is being pushed.' "

Mr. Beach:

I would like to ask if there are not a good many reports there from which you are reading nothing?

Mr. Davenport:

Surely.

Mr. Beach:

You are picking out those which say something about **1155** boycottes?

Mr. Davenport:

Surely, to support the allegation; oh surely.

"Kankakee. Organizer reports, 'All boycotts are being pushed in a mild way.'

"Metropolis. W. B. Roberts reports, 'All boycotts are being pushed.'

"Percy. J. F. LaRowe reports, 'All American Federation of Labor boycotts are observed.'

"Waukegan. Organizer reports, 'All boycotts are being pushed.' **1156**

"Indiana.

"Elkhart. Organizer reports, 'All American Federation of Labor boycotts are being pushed.'

"Marion. James S. Myers reports, 'All boycotts that are reported are being pushed.'

"Muncie. Alfred A. Fletcher reports, 'All American Federation of Labor boycotts are being pushed.'

"Shelbyville. Organizer reports, 'The whole list of boycotts are being pushed as far as possible.'

1 1157 "South Bend. John W. Peters reports, 'All American Federation of Labor boycotts are being pushed.' "

"Iowa.

"Albion. Organizer reports, 'All American Federation of Labor boycotts are being pushed.'

"Burlington. Guy Harlbaugh reports, 'All boycotts are being pushed.'

"Clinton. George C. Campbell reports, 'We are pushing all boycotts.'

"Des Moines. Arthur E. Holder reports, 'Boycotts against Conkey books and reliable stoves are being pushed.'

1 1158 "Muscatine. Carl S. Evans reports, 'All boycotts are being pushed.' "

"Kentucky.

"Sturges. Organizer reports, 'All boycotts are observed.' "

"Massachusetts.

"Fitchburg. W. H. Beers reports, 'All boycotts are being pushed.'

"Holyoke. Organizer reports, 'We are doing all we can at present for boycotts.' "

"Michigan.

1 1159 "Flint. Organizer reports, 'All boycotts are being pushed.'

"Ionia. Mr. A. L. Cheney reports, 'All boycotts which are reported are vigorously pushed.'

"Manistee. Williams Rogers reports, 'Favorable work is being done for boycotts.'

"North Port Huron. Fred J. Powell reports, 'The sale of Tom Moore and Henry George cigars has been stopped.'

"West Bay City. Organizer reports, 'All boycotts are being pushed.' "

"Missouri.

1 1160 "DeSoto. Organizer reports, 'Boycott against McKinney bakery of St. Louis, Missouri, is being pushed.'

"Higginsville. John Andreas reports, 'Boycotts on bread, tobacco and clothing are observed.'

"Springfield. Organizer reports, 'We are doing all we can for boycotts.' "

"New Hampshire.

"Manchester. C. J. McLaughlin reports, 'American Federation of Labor boycotts are read at all central labor union meetings.' "

"New Jersey.

"New Brunswick. Mr. Henry Abrams reports, 'All boycotts that are recommended are observed.' "

"New York.

"Binghampton. Organizer reports, 'All boycotts are being pushed.'

"Dunkirk. Organizer reports, 'All boycotts published are being pushed.'

"Fulton. F. W. Haskin reports, 'All American Federation of Labor boycotts are observed.'

"Jamestown. H. S. Whiteman reports, 'Boycotts are being pushed.'

"Norwich. Mr. James C. Cummings reports, 'All boycotts that can be reached are being pushed.'

"Oneida. Organizer reports, 'Boycott against Wadsworth Watch Case Company is being pushed.'

"Poughkeepsie. Organizer reports, 'All boycotts are pushed.'

"Watertown. Mr. Hamilton reports, 'All boycotts are being pushed.' "

"North Carolina.

"Charlotte. W. Maurice Tye reports, 'Boycott against American Tobacco Co. is being pushed.' "

"Ohio.

"Bellaire. Organizer reports 'Boycotts are being pushed.'

"Cleveland. Michael Goldsmith reports, 'All boycotts on list are being pushed.'

"Columbus. Mr. S. R. Union reports, 'All boycotts are being pushed.'

"Hamilton. Organizer reports, 'All boycotts published in the American Federationist are pushed.'

"Sidney. Mr. M. J. Berry reports, 'All known boycotts are recognized.'

"Zanesville. Joseph A. Baner reports, 'All American Federation of Labor boycotts are being pushed.' "

"Oklahoma Territory.

"Oklahoma. Organizer reports, 'All American Federation of Labor boycotts are being pushed.' "

"Pennsylvania.

"Ashland. Mr. James Clark reports, 'All boycotts are being pushed.'

1165 "Butler. Organizer reports, 'Boycotts against Whittimore Polish being pushed.'

"DuBois. Organizer reports, 'We are pushing all boycotts.'

"Erie. Organizer reports, 'Boycott against Black & Germer Stove is being pushed.'

"Lancaster. Mr. Cornwall reports, 'All American Federation of Labor boycotts are observed.'

"Scranton. Organizer reports, 'Boycotts are being pushed to some extent.'

"Reading. A. J. Kraatz reports, 'The people of Reading
1166 are doing all they can to push the boycott against the Cubanola Cigars.' "

Recess 10 minutes.

Mr. Davenport:

"Warren. Organizer reports, 'All boycotts are observed.'

"West Philadelphia. Organizer reports, 'All boycotts are being pushed.'

"Wilkesbarre. Charles J. Thain reports, 'All boycotts being pushed.' 'Williamsport, all boycotts being pushed. Easton, Cubanola Cigars are fought strongly against.'

'In Anthracite coal fields little attention is paid to the firms
1167 boycotted by the American Federation of Labor, although some of them do large business in the coal fields.' "

"Rhode Island.

"Pawtucket. Joseph Brickell reports, 'All boycotts are being pushed.' "

"Tennessee.

"Knoxville. William M. Thomas reports. 'Boycott against the Knoxville Woolen Mills is being pushed. We are doing all we possibly can for boycotts, especially those on clothing.' "

"Texas.

1168 "Palestine. Organizer reports, 'Boycotts against clothing firm are being pushed.'

"Sherman. Mr. Mitchell reports, 'All boycotts are being observed.' "

"Wyoming.

"Cheyenne. Organizer reports, 'Have a committee also to look after boycotts.' "

Mr. Mulholland:

If the court please, to raise this question fairly upon the record in such a way as to strike attention if hereafter required,

we desire at this time to move the court to instruct the jury **1169**
that the matters just read by counsel can only be considered by them as tending to establish the publicity, and cannot in any way be considered by them as tending to establish the facts stated in these reports that boycotting or alleged boycotting was being actually done in these various localities.

The Court:

Well, as the court had occasion to say once before, in the opinion of the court the wiser course to pursue is to wait until the evidence is in before charging the jury, and counsel for the defendants by their requests will probably see to it that the court doesn't forget it. **1170**

January number of the American Federationist for 1902.

"Alabama.

"Birmingham. J. H. Leath reports, 'Five Brothers tobacco boycott is being pushed.' "

Mr. Mulholland:

I would like to have it noted that our objection and exception goes to all of these reports in reference to alleged boycotting.

The Court:

Yes. **1171**

Mr. Davenport:

"Florida.

"Jacksonville. W. L. Girardeau reports, 'All American Federation of Labor boycotts are observed.' "

"Illinois.

"Metropolis. W. B. Roberts reports, 'All American Federation of Labor Boycotts are being observed.'

"Murphysboro. B. H. Stawhum reports, 'All American Federation of Labor boycotts are being observed.'

"Percy. James F. LaRowe reports, 'All American Federation of Labor boycotts are being pushed.' " **1172**

"Indiana.

"Booneville. John Dean reports, 'All American Federation of Labor boycotts are being pushed.'

"South Bend. John W. Peters reports, 'All American Federation of Labor boycotts are being pushed where practicable.' "

"Iowa.

"Burlington. Guy Harlbaugh reports, 'All American Federation of Labor boycotts are being pushed.'

1173 "Clinton. George C. Campbell report, 'All boycotts mentioned in the American Federationist are observed.' "

"Kentucky.

"Uniontown. H. T. Utley reports, 'All American Federation of Labor boycotts are being pushed.' "

"Maine.

"Bangor. A. P. Richardson reports, 'American Federation of Labor boycotts are noticed by the Union.' "

"Michigan.

"Flint. A. E. Smyth and Alban E. Higgins report, 'The tobacco boycott especially is being pushed.'

1174 "Hancock. Peter Hagman reports, 'All American Federation of Labor Boycotts are being pushed.'

"Port Huron. John A. Barron and Fred J. Powell report, 'All American Federation of Labor boycotts are being pushed.' "

"Minnesota.

"Minneapolis. J. H. Carver reports, 'Cigar and tobacco as well as other boycotts are being observed.'

"Minneapolis. Louis Hansen reports, 'All boycotts are being pushed.' "

"New Jersey.

1175 "New Brunswick. Harry Abrams reports, 'All American Federation of Labor boycotts are being pushed.' "

"New York.

"Fulton. F. W. Haskin reports, 'All boycotts are being pushed.'

"Ithaca. E. H. Dobberthien reports, 'Boycott against the New York Sun is being pushed.' "

"North Carolina.

"Charlotte. W. Maurice Tye reports, 'Boycotts against American and Continental Tobacco and Hamilton-Brown shoes are being vigorously pushed.' "

1176 "Ohio.

"Ashtabula. John Thal reports, 'All American Federation of Labor boycotts are being pushed.'

"Cleveland. Michael Goldsmith reports, 'All American Federation of Labor boycotts of which we know receive attention.'

"Massillon. Nelson P. Maier reports, 'All American Federation of Labor boycotts are being pushed.' "

"Georgia. **1177**

"Youngstown. Organizer reports, 'All American Federation of Labor boycotts are being pushed.'"

"Pennsylvania.

"Bradford. William H. Rose reports, 'All boycotts are being agitated.'

"Erie. Mr. E. W. McCully reports, 'Black & Garner and Rice and Hutchins' boycotts are pushed.'

"Lancaster. F. F. Wright reports, 'All American Federation of Labor boycotts are observed.'

"Scranton. Hugh Frayne reports, 'All American Federation of Labor boycotts are observed.'" **1178**

"Texas.

"Dallas. C. O. Marx reports, 'Nearly American Federation of Labor boycotts are being pushed.'"

"West Virginia.

"Huntington. Organizer reports, 'All American Federation of Labor boycotts are being pushed.'"

"Wisconsin.

"Racine. H. Jensen reports, 'The boycotts on General Arthur, Cremo, Robert Burns, Tom Moore, G. W. Childs, Henry George, as well as all other non-union cigars, are being vigorously pushed.'" **1179**

In the February number under the same heading, the same department:

"California.

"Los Angeles. Mr. Biddle reports, 'It has taken nine weeks of quiet boycotting for the beer wagon drivers to gain three dollars per week from the nine hour day.'"

"Florida.

"Jacksonville. Organizer reports, 'All American Federation of Labor boycotts are observed.'"

"Illinois.

"Blue Island. Organizer reports, 'All boycotts are being pushed.' **1180**

"Blue Island. Another Organizer reports, 'All American Federation of Labor boycotts are observed.'

"Decata. Organizer reports, 'All American Federation of Labor boycotts are being pushed.'

"Evansville. P. P. Crane reports, 'All boycotts announced in American Federationist are observed.'

"Kokomo. Clide Stewart reports, 'Boycott against Lovell & Buffington tobacco dealers is being pushed.'"

1181 "Kentucky.

"Central City. Organizer reports, 'All names on the American Federation of Labor unfair list are observed.' "

"Michigan.

"Flint. Organizer reports, 'All American Federation of Labor boycotts are being pushed.'

"Grand Rapids. Organizer reports, 'All American Federation of Labor boycotts are being pushed.'

"Ionia. A. L. Cheney reports, 'All boycotts known are being pushed.' "

"Missouri.

1182 "Higginsville. Organizer reports, 'The tobacco boycott is being observed.' "

"New York.

"Poughkeepsie. Organizer reports, 'All boycotts on the list are observed.' "

"Ohio.

"Cincinnati. Organizer reports, 'Hamilton-Brown and Rice & Hutchins Shoe Company and a printing company boycotts are being pushed.'

"Findlay. Frank M. Trees and another report, 'All boycotts are being pushed.'

1183 "Urbana. John Rolfe reports, 'All American Federation of Labor boycotts are being pushed.' "

"Pennsylvania.

"Wilkesbarre. Mr. Charles J. Young reports, 'Two firms have had their union employees locked out for over five months, and are running their factory with non-union labor. The Central Union has them on the unfair list, and intends to fight them vigorously.' "

"Vermont.

"Nothing from Vermont, except, 'Things are going smoothly.' "

1184 From the American Federationist for the month of March, 1902.

"Alabama.

"Montgomery. Organizer reports, 'All American Federation of Labor boycotts are being pushed.' "

"Arkansas.

"Paragould. Organizer reports, 'All boycotts on unfair list are observed.' "

"California. 1185

"Oakland. Organizer reports, 'Boycott of the iron trades of San Francisco are being pushed.' "

"Illinois.

"Cairo. C. H. James and another report, 'We are doing all we can for American Federation of Labor boycotts.'

"Dow. Mr. Carriso reports, 'All boycotts are being pushed.'

"Freeport. Organizer reports, 'Boycott of the Radiant Home Stove is being pushed.'

"Freeburg. Organizer reports, 'Boycotts against Reichert Milling Company and Knoxville Woolen Mills are being 1186 pushed.' "

"Indiana.

"Evansville. P. D. Drain reports, 'All American Federation of Labor boycotts being pushed.' "

"Iowa.

"Burlington. Thomas Huges reports, 'All boycotts observed.' "

"Kansas.

"Atchison. Organizer reports, 'All boycotts announced in the American Federationist are being pushed.'

"Topeka. John A. Johnson reports that striking boycott 1187 is still in progress.' "

"Kentucky.

"Covington. Organizer reports, 'All boycotts announced in American Federationist are being pushed.'

"Uniontown. Organizer reports, 'All boycotts are observed.' "

"Massachusetts.

"Fitchburg. Organizer reports, 'National Cash Register and tobacco boycotts are being vigorously pushed.'

"Lynn. John Hughes reports, 'The boycott against the tobacco trust is being pushed.' 1188

"Springfield. J. P. McMahon reports, 'All boycotts receive attention.' "

"Michigan.

"Hancock. Peter Higgins reports, 'All American Federation of Labor boycotts are being pushed.' "

"Missouri.

"Higginsville. George Andreas reports, 'Boycott on tobacco is being observed.' "

1189 "Illinois.

"Springfield. Organizer reports, 'Boycotts are beginning to be observed.' "

"New Jersey.

"Newark. Organizer reports, 'Boycott on National Cash Register is being pushed.' "

"New York.

"Binghamton. Organizer reports, 'Tobacco boycott is being pushed.'

"Elmira. Organizer reports, 'Boycotts against New York Sun and National Cash Register are being keenly ob-
1190 served.'

"Watertown. Mr. Kaley reports, 'All boycotts are observed.' "

"Ohio.

"Columbus. Organizer reports, 'All boycotts are being pushed.'

"Sidney. Organizer reports, 'All names on the unfair list are observed.'

"Youngstown. Organizer reports, 'Boycotts are being pushed in accordance with American Federation unfair list.'

"Zanesville. Joseph Baner reports, 'All boycotts are be-
1191 ing observed.' "

"Pennsylvania.

"Charleroi. Organizer reports, 'Boycotts against tobacco and Whittimore Shoe Polish are being pushed.'

"Easton. Mr. Vins reports, 'All boycotts are being pushed.'

"New Brighton. Organizer reports, 'All American Federation of Labor boycotts are receiving attention.'

"Scranton. Hugh Frayne reports, 'All boycotts are being pushed.'

"Warren. Organizer reports, 'The boycotts on the
1192 American Federation of Labor unfair list are being pushed.'

"Wilkesbarre. Mr. Charles Thain reports, 'Several boycotts that can be reached are being pushed.' "

"Rhode Island.

"Pawtucket. Joseph Brickell reports, 'All boycotts are being pushed.' "

"Tennessee.

"Tracy City. Jack Thompson reports, 'All boycotts are being pushed with vigor.' "

"West Virginia. 1193

"Huntington. A. W. Jones and another report, 'All boycotts are being pushed.'

"Wheeling. Joseph C. Boss reports, 'All boycotts announced in the American Federationist are observed.'"

In the April Federationist under the heading, "What our Organizers are Doing," and "From Secretaries of National and International Unions," under the heading "Hatters," I read as follows:

"John Phillips. 'Everything is running very smoothly in the trade. There are no complaints to make. The strike at Philadelphia for Union conditions has been on about eight 1194 months, and has materially reduced the output of the factory. We still hope to win.'"

"Illinois.

"Blue Island. Max Prenelle reports, 'All American Federation of Labor boycotts are being pushed.'

"Cairo. Organizer reports, 'All boycotts that we know are being observed.'

"Streator. Mr. Jones reports, 'Boycotts against the American Tobacco Co., W. B. Conkey Company, and the Whittimore Shoe Polish Company are being pushed.'

"Waukegan. Paul Nellis reports, 'All boycotts that we 1195 know are being pushed.'"

"Kentucky.

"Uniontown. H. T. Utley reports, 'All boycotts that we know of are being observed.'"

"Michigan.

"Battle Creek. Frank Bartlett reports, 'All American Federation of Labor boycotts are being pushed.'

"Flint. H. V. Moore reports, 'All boycotts are pushed.'"

"Missouri.

"DeSoto. John Schwaegele reports, 'Boycott against the McKinney Bread Company of St. Louis is being pushed.' 1196

"Higginsville. George Andrews reports, 'Clothing and tobacco boycotts are being observed.'

"Springfield. Organizer reports, 'Some attention is being paid to American Federation of Labor boycotts.'"

"New York.

"Amsterdam. J. W. Predell reports, 'All boycotts are being pushed, but our unfair list is not given wide enough circulation.'

1197 "Niagara Falls. Harry Lewis reports, 'Boycott against Carborundum Company is being pushed.'

"Utica. Mr. Bowers reports, 'All American Federation of Labor boycotts are being pushed.'

"Watertown. W. E. Kaley reports, 'All boycotts are being observed.' "

"Ohio.

"Cleveland. Harry B. Thomas reports, 'All boycotts are being pushed.'

"Massilon. Nelson P. Maher reports, 'All American Federation of Labor boycotts are being pushed.'

1198 "Galeon. Organizer reports, 'Boycotts are being pushed.'

"Painesville. Organizer reports that boycotts are being pushed.'

"Zanesville. Joseph A. Bower reports, 'All American Federation of Labor boycotts are being pushed.' "

"Oklahoma Territory.

"Oklahoma. W. P. Haskins reports, 'We are pushing boycotts as much as possible.' "

"Pennsylvania.

"DuBois. Organizer reports that boycotts are being pushed.

1199 "Easton. Harry F. Fetner reports, 'All boycotts are pushed.'

"Kittanning. F. J. McLaughlin reports, 'All boycotts receive attention.'

"Philadelphia. Joseph P. Allen reports, 'Boycotts against National Biscuit Company, Roeloff, and Keystone Watch Company are being pushed.' "

"Texas.

"Sherman. H. Mitchell reports, 'All boycotts are being pushed.' "

"West Virginia.

1200 "Huntington. S. E. Sherman reports, 'We are doing all possible work for boycott.' "

"Wisconsin.

"Madison. George J. Geggler reports, 'Several boycotts are being observed.' "

"Wyoming.

"Cheyenne. H. Hanna reports, 'We are standing out and watching merchants handling unfair goods.' "

"Ontario. 1201

"Brockville. Organizer reports that boycotts are recommended.' "

Well now, that brings it down to May, which I read first. This is in the June number, 1902:

"Alabama.

"Birmingham. Organizer reports, 'Boycott against tobacco trust is being pushed.' "

"Arkansas.

"Paragould. Organizer reports, 'All boycotts are being pushed.' "

"Connecticut. 1202

"Norwich. Organizer reports that boycotts are being observed.' "

"Florida.

"Jacksonville. Organizer reports that, 'Boycotts are receiving attention.' "

"Illinois.

"Auburn. Organizer reports that boycotts are being pushed.

"Blue Island. Organizer reports that boycotts are being pushed.

"East St. Louis. Organizer reports that boycotts are being observed. 1203

"Freeport. Organizer reports, 'Boycott against Radiant Home Stove is being pushed.'

"Kankakee. Organizer reports, 'All boycotts are being pushed in a mild way.'

"Percy. Organizer reports, 'All American Federation of Labor boycotts are observed.'

"Quincy. Organizer reports, 'All boycotts are vigorously observed.'

"Rockford. Organizer reports, 'All boycotts are being pushed.' 1204

"Streator. Organizer reports, 'All boycotts are being pushed, especially against the National Biscuit and American Tobacco Company and Whittimore Company.'

"Muncie. Organizer reports that, 'All boycotts are being pushed.' "

"Indiana.

"Shelbyville. Organizer reports, 'The whole list of boycotts are being pushed as far as possible.'

1205 "South Bend. Organizer reports, 'All American Federation of Labor boycotts are being pushed as fast as possible.' "

"Iowa.

"Burlington. Organizer reports, 'All boycotts are being pushed.' "

"Kansas.

"Kansas City. Organizer reports that boycotts are being pushed."

"Kentucky.

"Henderson. Organizer reports, 'All boycotts are being observed.'

1206 "Louisville. Organizer reports, 'All boycotts are being pushed.'

"Union town. Organizer reports that all boycotts are being observed."

"New Orleans.

"Louisiana. Organizer reports, 'All boycotts are observed.' "

"Massachusetts.

"Fitchburg. Organizer reports, 'All boycotts are being pushed.' "

"Michigan.

1207 "Battle Creek. Organizer reports, 'We are doing all we can at present for boycotts.'

"Ionia. Organizer reports, 'All boycotts which are reported are vigorously pushed.'

"Kalamazoo. Organizer reports that all boycotts are being observed.

"Maniscee. Organizer reports, 'Favorable work is being done for boycotts.' "

"Minnesota.

"Duluth. Organizer reports, 'American Federation of Labor boycotts are being pushed.'

1208 "Minneapolis. Organizer reports that boycotts are being pushed."

Mr. Mulholland:

Why not stop there?

Mr. Davenport:

I have got down to Missouri.

Mr. Mulholland:

Mark it then; Missouri is a good place to stop.

Adjourned to Tuesday afternoon at two o'clock.

Tuesday, September 3rd, 1912, 2 P. M. 1209.7

The clerk called the jury.

The Court:

Proceed.

Mr. Davenport:

On adjournment I was reading from the American Federationist of June 1902, under the heading "What our organizers are doing." The last that I read being from Minnesota, being the report of "Boycotts against Roeloff Hats" as being pushed.

"John Schwagerle. Reports from De Soto, Mo., Boycott against McKinney bread is being pushed. Kansas 1210.8
City; all boycotts are observed. Springfield, Mo.; all boycotts are observed. New Jersey, Hoboken; Cornelius Ford; all boycotts are observed. New Brunswick; Harry Abrams. All boycotts that are recommended are being pushed. Salem: Charles H. Crow. Boycott against Whittimore Company is being pushed. West Orange. John A. Werner; the work of Union labels is being pushed on all sides. New York, Jamestown: H. F. Whiteman, we are advertising and pushing all Union labels; doing all we possibly can for boycott. North Carolina, Raleigh. W. H. Singleton: Good work is being done for Union 1211.9
labels. All boycotts are being pushed. Ohio, Ashtabula. W. E. Mann: boycott against Radience Home Stoves is being pushed. Columbus. F. B. Ewing; Union labels are being pushed. All boycotts are observed. Crooksville—F. R. Frazee: we are doing all we can for Union labels. All boycotts are being pushed. Ironton. James F. Hayes; all boycotts are being pushed. Mount Vernon. F. R. Barton; all boycotts are being pushed. Urbana. John Roth; all boycotts are observed.

Oregon. J. H. Buck; boycotts are being pushed. 1212.0
Carbondale, Pennsylvania. James Flewellen: all boycotts are being pushed. Erie. James Wilson: moulders are after an increase of wages and better conditions, with prospects of success. They are still fighting the Radiant Home Stove that is on the unfair list of the American Federation of Labor, and we are all helping them; also boycott against Black & Germer is being pushed. Kittanning. P. J. McLaughlin: all boycotts are being pushed. Lancaster. E. E. Greenawald and J. F. Wright: all boycotts are receiving attention. New Brighton. S. A. Frethy:

all boycotts are observed. Philadelphia. Jospeh B. Allen: all boycotts are observed. Pittston: all boycotts are observed. Renova: boycott against Nutville Woollen Goods is being pushed. Wilkesbarre. Charles J. Phain: an injunction against boycotting was secured by Patterson & Company vs. Building Trades Council, in which proceeding the plaintiffs claimed that the defendants were illegally discriminating against them by sending out notices, &c. After a prolonged perusal of ancient debating, both in this country and elsewhere, antagonistic to the rights of the laboring men and a total contempt for many which were any way favorable to him, Judge Ferris made a temporary injunction permanent.

"In his decision he said he could not compel the members of the Building Trades Council to handle the products of Patterson & Company, for which mercy the former are extremely thankful, for it gives them an opportunity of proving both to the Judge and the plaintiffs, that the rest of the decision is dead sea fruit to the latter. It took this eminent jurist more than six months to produce this paragraph, for although the members of the Building Trades Council are enjoined from inducing others to boycott Patterson & Company, they can do so themselves in the most effective way. They can and they can not. A boycott is legal and it is not legal. It just depends upon the way it is put in operation, according to this most learned Judge.

"We are establishing a Label League for the benefit of Union Labels. All boycotts are being pushed as far as possible.

"York. George W. Best: all boycotts are being pushed. Tennessee. Knoxville. Eugene Merrell. Union labels on hats, garments, &c. are being pushed. Boycott against H. W. Hill and Roeloff hats are being pushed.

"Texas. Palestine: boycotts against American Tobacco Company and National Biscuit Company are being pushed.

"West Virginia. Huntington. A. W. Jones and G. E. Chalmers: all boycotts are being pushed.

"Green Bay, Wis. John F. Dillon: boycotts on cigars, tobacco and shoes are being observed.

"Oshkosh: Boycott against the Roeloff Hats is being pushed. West Superior. J. J. Macosky: all boycotts published in American Federationist are being pushed." **1217**

Now, passing to the July, 1902, American Federationist, under the heading "What our Organizers are doing from the Atlantic to the Pacific" and from District, State and local organizers: Paragould, Ark. W. G. Reynolds: good work is being done for the Union labels and all boycotts published by the American Federationist are observed.

"California. Sacremento. F. E. Smith: All American Federation of Labor boycotts are being pushed. **1218**

"Connecticut. Norwich. E. B. Lynch: all Union labels are being pushed and all American Federation of Labor boycotts are observed.

"Delaware, Wilmington. R. F. Monck, Union labels are being agitated, and all American Federation of Labor boycotts are pushed.

"Florida. Tampa. B. A. Wimsett; all American Federation of Labor boycotts are observed.

"Georgia. Savannah. W. F. Harris: we have a great demand for the Union labels here, and the boycott against the National Biscuit Company is being pushed. **1219**

"Illinois. Alton. W. H. Gerhardt: there is some general work being done for the Union labels. The boycott against the National Biscuit Company is being pushed. Bloomington. F. M. Doxsee: the boycott against the Radiant Home Stove is being pushed. Freeport. W. W. Young. Boycott against the Radiant Home Stove is being pushed. Waukegan, Illinois. Paul Nellis: all Union men are asking for the Union labels and all the American Federation of Labor boycotts are being pushed.

"Indiana. Brazil. Edward Cuddy: the American Federation of Labor boycott on cigars, shoes, beer, and stoves are being pushed. **1220** Elkhart. Fred Hunt: good work is being done for the Union labels, and all American Federation of Labor boycotts are being pushed. Hammond. B. L. Hall: all Union labels are being pushed, and boycott on the National Biscuit Company is observed. Linton. James B. Heeman: all non-Union goods are refused and all unfair firms boycotted. Logansport. Samuel Randolph: the boycott against the American Tobacco Company is especially pushed. Muncie. Fred Fletcher:

1221 Union labels are being boomed, and all American Federation of Labor boycotts are vigorously pushed. Vincennes. J. W. Hurst: All American Federation of Labor boycotts are being pushed.

"Iowa. Burlington. Guy Harlbraugh: We are doing all we can for the Union labels and the American Federation of Labor boycotts. Des Moines. A. G. Holder: All made cigars are boycotted.

"Indian Territory. McAllister. George W. Fairlie: Several of the American Federation of Labor boycotts are being pushed. Uniontown. H. T. Utley: Good work
1222 is being done for Union labels, and all boycotts are being pushed.

"Massachusetts. Bay State. William Eyre: All Union labels are being pushed, and all shoes and tobacco declared unfair by the American Federation of Labor are boycotted. Fitchburg. W. H. Pierce: Good work is being done for the Union labels, and all American Federation of Labor boycotts are being pushed. Lynn. J. E. Hayes: We hold fortnightly meetings, open to the public, for the benefit of the Union labels. Boycotts on the Tobacco Trusts are being pushed. Milford, Mass. Wil-
1223 liam Hamilton reports the Central Labor Union is agitating Union labels, and all American Federation of Labor boycotts are being pushed.

"Michigan. Albion. R. A. Weiberwas: The Federal Labor Union of this city are in a flourishing condition. All Union labels are demanded. All American Federation of Labor boycotts are being pushed. Ionia. A. L. Cheny: All boycotts published by the American Federationist are observed. Kalamazoo. B. W. Baxter: All Union labels and American Federation of Labor boycotts are being pushed.

1224 "Minnesota. Minneapolis. J. H. Carver reports to the American Federation of Labor that all the American Federation of Labor boycotts that we know, are observed.

"Missouri. Springfield. H. A. W. Juneman: We are beginning to push all American Federation of Labor boycotts. St. Louis. B. F. Veilly: All Union labels are being pushed, especially the boycott against the American Tobacco Company.

"New Jersey. Elizabeth. J. B. Donaghy: All boycotts affecting this city are being pushed. Hoboken. Cor-

nelius Ford: All Union labels are demanded, and all 1225
American Federation of Labor boycotts are being pushed. New Brunswick. Harry Abrams: Union labels are being agitated, and American Federation of Labor boycotts are being pushed.

"New York. Fulton. F. W. Haskins: We are pushing everything that bears the Union label, and all American Federation of Labor boycotts are observed. Gouverneur. Joseph Wooster: The boycott against the Knoxville Woollen Goods firm is pushed. Jamestown. H. F. Whiteman: The Union people of this city are putting 1226
up a good fight against all Trust goods, and the boycott against the Henry George and the Tom Moore cigars are especially observed.

"North Carolina. Raleigh. W. H. Singleton: Good work is being done for the Union Labels, and all American Federation of Labor boycotts are being pushed.

"Ohio. Cleveland. H. B. Thomas and William Davis: All boycotts are observed. Columbus. S. B. Ewing: All Union labels, and American Federation of Labor boycotts are being pushed. Crooksville. S. R. Fraze: Good work is being done for the Union labels, and all American Federation of Labor boycotts are be- 1227
ing pushed. Findlay. J. E. Michnewitsch: All American Federation of Labor boycotts are pushed. Hamilton. John F. Mayer: All boycotts announced by the American Federationist are observed. Newark. J. W. Adams; Nearly all the American Federation of Labor boycotts are being pushed. Mount Vernon. F. R. Barton. Some good work is being done for Union labels, and all American Federation of Labor boycotts are being pushed. Youngstown. George P. Bert: All Union labels are being pushed, and all American Federation of Labor boycotts are observed. Zanesville. Joseph A. Bauer: All 1228
American Federation of Labor boycotts are being pushed.

"Pennsylvania. Erie. James Wilson and A. W. Garren: All American Federation of Labor boycotts are being pushed. Lancaster. J. F. Rice: The Union labels are being pushed, and all boycotts are observed. Philadelphia. Joseph B. Allen: All Union labels are vigorously pushed. All American Federation of Labor boycotts are observed. Pittston. B. J. Buke: Good work is done

1229 for the Union labels. All boycotts are being pushed. Wilkesbarre. Chas. J. Phain: We are pushing all the American Federation of Labor boycotts that we can reach. York. George W Teft: Nearly all the stores handle Union goods, and all the boycotts that we know are observed. Palestine. B. J. McCall: All American Federation of Labor boycotts are being pushed. H. Mitchell: All American Federation of Labor boycotts, and all Union labels are being pushed.

"Vermont. Barre. E. N. Prescott: An active interest is being taken in all boycotts published by the Ameri-
1230 can Federationist.

"West Virginia. Huntington. A. W. Jones: All boycotts are being pushed.

"Wisconsin. Superior. J. J. Macosky: All boycotts announced by the American Federationist are observed.

Now, the next American Federationist, 1902: 'What our organizers are doing from the Atlantic to the Pacific, from District, State and Local organizers:'

"Alabama. Birmingham. J. H. Leach: All Union labels are pushed, and all boycotts observed.

1231 "Connecticut. E. C. Lynch: All American Federation of Labor boycotts are being observed.

"Illinois. Alton. William Gerhardt: The retail clerks have the support of nearly all the stores in the early closing agreement. The green merchants who did not sign agreement have been placed on our local posts 'don't patronize him.' Auburn. Gallagher: Have committees looking after the interests of the Union labels, and we are pushing all boycotts on tobacco, cigars and clothing. Cairo. E. L. Wilcoxen: Some work is being done for the Union labels, and all American Federation of Labor
1232 boycotts are pushed. Kewarnee. A. Menche and L. Litchfield: All boycotts are being pushed. Murphysboro. P. H. Strawhun: All American Federation of Labor boycotts are being pushed. Percy. James F. Larowe: All Union labels, and American Federation of Labor boycotts are pushed. Springfield. R. E. Woodmansee: All American Federation of Labor boycotts are watched.

"Indiana. Elwood. J. G. Fields. All boycotts are pushed. Hammond. B. L. Hall: Boycotts against the National Biscuit Company is pushed. Logansport. Sam

H. Randolph: All labels are pushed and all American Federation of Labor boycotts are observed. 1233

"Iowa. Boone. D. P. Menton: All boycotts are pushed.

Going back to Indiana: Muncie. Albert A. Fletcher: All boycotts are pushed.

"Iowa. Clinton. G. B. Campbell. We are pushing all Union labels and American Federation of Labor boycotts. Dubuque. W. D. Wilbur: All American Federation of Labor boycotts are pushed.

"Kansas. Pittsburg. H. A. Smith. We are pushing all boycotts. 1234

"Kentucky. Uniontown. H. D. Utley reports: Good work is being done for the Union labels, and all the boycotts published by the American Federationist are observed.

"Massachusetts. Lawrence. John D. Cameron: All Union labels are being agitated and all American Federation of Labor boycotts are looked after.

"Michigan. Ionia. A. L. Cheney: All American Federation of Labor boycotts published by the American Federationist are pushed. Muskegon. B. R. Vuidema, reports: All boycotts published by the American Federationist are pushed. 1235

"Minnesota. Minneapolis. J. H. Carver: All boycotts are being pushed.

"Missouri. Higginsville. George Andres: All American Federation of Labor boycotts affecting this city are pushed. Kansas City. John C. Smith: All labels are being pushed and all American Federation of Labor boycotts are being observed. Springfield. H. A. W. Juneman: Good work is being done for the Union labels, and all boycotts possible are being pushed.

"Montana, Butte. U. S. Clark: Active work is being done for the labels; all boycotts are being pushed. 1236

"New Jersey. New Brunswick. Harry Abrahams: All boycotts recommended by the American Federation of Labor are pushed. Salem, C. H. Crow: We are also pushing the boycott against the Whittemore Shoe Polish Company.

"New York. Birmingham. George F. Walker: We are pushing the boycott against the American Tobacco Company. Elmira. James F. Clark: Good work is be-

1237 ing done for the Union labels, and all American Federation of Labor boycotts are being pushed. Fulton, F. W. Haskins: We are pushing every Union label; all boycotts are observed. Norwich (N. Y.) J. B. Cummings, reports: All labels are pushed and all boycotts that we know.

"Ogdensburg. E. J. Nugent: The boycott against the National Biscuit Company is being pushed. Oneida. Frank Hoffman: Booming all Union labels, and all American Federation of Labor boycotts are pushed. Poughkeepsie. John Bradley: Good work is being done for the Union labels; all
1238 boycotts are being pushed. This is the best organized city between Albany and New York. Watertown. William E. Kaley: All labels are pushed. All boycotts are observed.

"Ohio. Columbus. F. B. Ewing: All public boycotts are observed. Crooksville. S. R. Frazee: Everything possible is being done for the Union labels and all boycotts are pushed. Marietta. John Otto Smith: All boycotts that come to our notice are being pushed. Mount Vernon. F. R. Barton: All boycotts appearing on the unfair list are observed. Youngstown. George T. Bert: All American Federation of Labor boycotts within our notice are pushed. Zanesville.
1239 Joseph A. Bauer: All American Federation of Labor boycotts are pushed.

"Oklahoma Territory. Oklahoma. W. T. Hawkins: All union labels and American Federation of Labor boycotts are being pushed.

"Oregon, Astoria. J. F. Welch: Everything possible is being done for the benefit of the Union labels, and all American Federation of Labor boycotts within our reach are pushed.

"Pennsylvania, Carbondale. Thomas Callahan: All American Federation of Labor boycotts published by the
1240 American Federationist are observed. Meadville. George F. Wagner: All boycotts on the list in the American Federationist are being pushed. Mount Carmel. Paul C. Pulaski: We are pushing the boycott against the American Tobacco Company. Pittsburg. L. Wyatt: Boycott on Cincinnati beer is pushed. Pittston. B. J. Buke: All boycotts are pushed.

Scranton. Hugh Frayne: Good work is being done for the Union labels and all American Federation of Labor boycotts are pushed.

"Rhode Island, Pawtucket: James Cliffe and Joseph Brickell: Everything possible is being done for the Union labels, and all American Federation of Labor boycotts are pushed. 1241

"Tennessee, Knoxville. Eugene Merrell: We have vigorously pushed the Knoxville Woollen Mill boycott, and with good results. They have now started two large clothing factories at Knoxville and Nashville, respectively, for the purpose of making up their goods into clothing, and thus get around the boycott. They go under the name of the National Woollen Co. We will send out lists to the different Unions notifying them and will consequently treat the National Woollen Company as we do the Knoxville Woollen Mills. 1242

"**Texas, Pleburne.** M. A. Adams: We are pushing all boycotts on non-Union made tobaccos. El Paso. F. B. Price: Labels of the cigar makers, garment workers and the hatters are being pushed. Palestine, E. J. McCall: All boycotts recommended by the American Federation of Labor are being pushed. German, H. Mitchell. All American Federation of Labor boycotts are being pushed.

"Vermont, Rutland. W. H. Hubbard: We are specially pushing the boycott against the Continental and American Tobacco Companies. 1243

"Washington, Seattle. All American Federation of Labor boycotts are pushed, especially the National Biscuit Co., Trust made cigars, and convict made brooms.

"Wisconsin, Marinette. J. B. Brauf: Good work is done for the Union labels, and all American Federation of Labor boycotts are pushed. Superior, J. J. Macoskey: All work possible is done for the Union labels, and all American Federation of Labor boycotts published by the American Federation are pushed. 1244

News from local secretaries, button-makers. F. A. Bradish, Warsaw, New York. We are pushing the boycott against the National Biscuit Company."

Mr. Merritt:

Can't you state practically the period that this covers and the number of Federationists it appears in so that we won't go on reading these indefinitely?

Mr. Beach:

Very likely we can reach some agreement.

1245 Th Court:

Well, we will take a recess of fifteen minutes, and see if you can't make up that agreement, because, evidently, there is no dispute about it.

Recess.

Mr. Merritt:

I think we have agreed, your Honor, as to that stipulation, and we will put it in at some later time when we have the exact facts more in hand; meanwhile we would like to ask the stenographer to leave a space so that it can come in at this place on the record.

1246 Mr. Davenport:

Well now, your Honor, I offer in evidence the "We don't patronize lists" published in the American Federationist, under the title "Official" in the several numbers of the American Federationist, commencing at this time with January, 1901, down to and including the August number 1903. I have already, your Honor, read the several notices that they were declared unfair heretofore; then follows the "We don't patronize" the names of the concerns, their business, and generally speaking, their place of residence.

1247 Mr. Mulholland:

To this we object, and in objecting we call attention to the fact that the name of the plaintiff in this case appears upon none of these unfair lists, and, additionally, that the list he now proposes to offer is of a time prior to July 25th, 1902, and is objected to for the reason that it is prior to the alleged injury to the plaintiffs set forth in the complaint.

The Court:

Oh, I can see how they are admissible.

Mr. Mulholland:

1248 Save an exception.

Mr. Davenport:

Well, I will read a few of these from some separated dates, so that the Court and Jury may see what they are.

Mr. Beach:

Brother Davenport, read no more than you think necessary for a sample. When you get through, we are prepared to stipulate, subject to our objection—that those lists were published—

Mr. Davenport: 1249

Well, I read from page 29 of Vol. 8, being the American Federationist of the year 1901, January number, under the heading of "Official" following the special notice that was read the other day. "We don't patronize. Union working men and working women and sympathizers with labor have refused to purchase articles produced by the following firms—labor papers please copy:

"Food and Kindred Products.

"Butchers—Cudahy Packing Co. of Cudahy, Wisconsin, Kingan Packing Co. of Indianapolis, Ind., Swift Packing Co. of Chicago, Kansas City, Kansas, East St. Louis, 1250
Ill.; St. Joseph and Summersville, Mo.; South Omaha, Neb. and St. Paul, Minn; David Stoot and Henkle of Detroit, Mich., Van Camp Packing Co. of Indianapolis, Ind.

"Millers—American Serial Co., of Cedar Rapids, Ia.; Cameron Mill & Elevator Co. of Ft. Worth, Texas; Jacob Beck & Sons of Detroit, Mich.

"Cigars—Carl Upman of New York City.

"Tobacco—American and Continental Tobacco Companies.

"Clothing—Woolens—Knoxville Woolen Mills of Knoxville, Tenn. Shoes—Hamliton, Brown Shoe Co. of 1251
St. Louis, Mo., Rice & Hutchins of Marlboro, Mass.

"Printing and Publications; Newspapers—Chicago Freie Presse of Chicago, Ill.; Providence Telegram of Providence, R. I.; The Sun of New York City; Hudson, Kimbally, Printers, of Kansas City, Mo.; Feister Printing Co., of Philadelphia, Penna.

"Book Binders—George M. Hill Company, of Chicago, Ill.

"Pottery, Glass and Stone.

"Brick—T. B. Townsend Brick Co. of Zanesville, Ohio; Northwestern Terra Cotta Co. of Chicago, Ill., 1252
Terre Haute Brick & Pipe Co. of Terre Haute, Ind.

"Hardware and Machinery—

"Iron and Steel—Illinois Iron & Bolt Co. of Carpentersville, Ill., The Burden Iron Co. of Troy, N. Y.; American Radiator Co. of Buffalo, N. Y.; Detroit Screw Co. of Detroit, Mich.

"Machinery—L. & P. Holmes Machinery Co. of Buffalo, N. Y.; Chambers Bros Co. of Philadelphia, Pa., pa-

1253 per folding machines; Rock Island Plow Works of Rock Island, Ill.

"Bicyles—Pope Manufacturing Co. of Hartford, Conn.

"Stoves—Bellville Stove Works of Bellville, Ill.

"Wood and Furniture:

"Cars—Mount Vernon Car Manufacturing Co. of Mount Vernon, Ill.

"Furniture—Vose & Son, of Boston, Mass.; Hamilton Mfg. Co. of Two Rivers, Wis.

"Cooperage—The St. Louis Cooperage Co. of St.
1254 Louis, Mo.; The Hauser, Brenna and Fath Cooperage Co. of St. Louis, Mo.; the Cincinnati Cooperage Co. of Cincinnati, Ohio.

"Staves—J. V. Blow & Co. of Central City, Ky.

"Lumber—Trinity Lumber Co., Leonidas, Texas.

"Leather and Rubber.

"Leather—Southern Saddlery Co. of Chattanooga, Tenn.; Morley Bros. Saddlery Co. of Chicago, Ill.

"Rubber—Dickerson Hard Hubber Co. of Springfield, Mass.

"Tanners—Laub & Son of Buffalo, N. Y.; Schoel-
1255 koph & Co. of Buffalo, N. Y.

"Miscellaneous.

"Watches—Keystone Watch Case Co., Philadelphia, Pa."

Now I will move on to July, 1901. I will read from page 278, similar heading "Official" following the special notice: "We don't patronize: Union working men and working women and sympathizers of labor have refused to purchase articles produced by the following firms, labor papers please copy.

Food and Kindred Products:

1256 "Bread—McKinney Brad Co., St. Louis, Mo.

"Cigars—Carl Upman of New York City.

Kerbs, Wertheim & Schiffer of New York City; The Henry George and Tom Moore.

"Flour and Meal—American Serial Co. of Cedar Rapids, Ia.; Jacob Beck & Sons of Detroit, Mich.

"Meats—Kingon Packing Co. of Indianapolis, Ind.; Van Camp Packing Co. of Indianapolis, Ind. Jacob Dold Packing Co. of Buffalo, N. Y.

"Tobacco—American and Continental Tobacco Com- **1257**
panies.

"Clothing.

"Shoes—Hamilton Brown Shoe Co. of St. Louis, Mo.; Rice & Hutchins of Marlboro, Mass.; Thomas G. Plant of Rocksbury, Mass.

"Woolens—Knoxville Woolen Mills of Knoxville, Tenn.

"Printing and Publications.

"Bookbinders—George M. Hill Co. of Chicago, Ill.

"Newspapers—Chicago Freie Presse of Chicago, Ill.

"Hudson, Kimbally & Co., Printers of Kansas City, **1258**
Mo.

"Feister Printing Co., of Philadelphia, Penna.

"Donahue & Henneberry, Publishers, Chicago, Ill.

The Daheim, German Newspaper of Chicago, Ill.; W. B. Conkey & Co., Publishers, Hammond, Ind.; Parkersburg Sentinel of Parkersburg, Penna.; Philadelphia Demokrat and Central Newspaper Union of Philadelphia, Penna. New York Sun of New York City; Gazette, Terre Haute, Ind.

"Pottery, Glass and Stone.

"Pottery & Brick—J. B. Owens Pottery Co. of Zanes- **1259**
ville, Ohio; Northwestern Terra Cotta Co. of Chicago, Ill.; Terre Haute Brick & Pipe Co. of Terre Haute, Ind.; Litchfield Brick Co. of Litchfield, Ill.

"Hardware & Machinery.

"Agricultural Implements—H. P. Deuscher & Co. of Hamilton, Ohio.

"Bicycles—Pope Mfg Co. of Hartford, Conn.

"Brass—Oliver Bros., Brass Bedsteads of Lockport, N. Y.

"Cutlery—Goodell Cutlery Co. of Antrim, N. H.

"General Hardware—Landers, Frary & Clark, Atlas **1260**
Works, of New Britain, Conn.

"Iron & Steel—Illinois Iron & Bolt Co. of Carpentersville, Ill., The Burden Iron Co. of Troy, N. Y.; American Radiator Co. of Buffalo, N. Y.; Detroit Screw Co. of Detroit, Mich.

"Iron, Architectural—Winslow Bros. of Chicago, Ill.; Herendeen Mfg Co. Geneva, N. Y.

"Machinery—L. & P. Holmes Machinery Co. of Buffalo, N. Y.; Chambers Bros. Co. of Philadelphia, Penna.,

1261 Paper Folding Machines; Rock Island Plow Works of Rock Island, Ill.; Watt Mining Car Wheel Co. of Barnesville, Ohio; Western Electric Co. of Chicago, Ill.

,"Stoves—Schneider-Trencamp Co., Oil, Gas and Gasoline Stoves, Cleveland, Ohio; Kahn Stove Works of Hamilton, Ohio; Black & Germer of Erie, Penna.; Eclipse Stove Co. of Mansfield, Ohio; McSheery Co. Middletown, Ohio;

Wood and Furniture.

"Bent Wood—"

Well, I desist from reading any further.

1262 Now, brethren, there appears a list of that general character with names of the concerns on it in a large number of the American Federationist from January 1st, 1901, down to and including the August number, 1903, and I think I have read a sample sufficient to identify them.

The Court:

Those you offered in evidence.

Mr. Davenport:

Offered in evidence. Have you any objection to having them put in?

1263 Mr. Beach:

No, sir; we will stipulate, if necessary, the same as we proposed with respect to the other matters.

Mr. Mulholland:

I understand that by so doing we are not waiving our exception.

The Court:

That is already on the record as the record is now.

Mr. Davenport:

Now, in the same way, I want to offer in evidence the reports of the Executive Council.

1264 Mr. Beach:

Are they coming in right under the same general ruling?

Mr. Davenport:

They are.

Mr. Mulholland:

We will save our exception.

Mr. Davenport:

Report of proceedings of the Convention of 1899, commencing on page 54, near the bottom:

"Secretary Morrison made the following report of **1265**
the Executive Board, which was referred to the proper Committee:

"Detroit, Mich., December 11, 1899, to the officers and members of the 19th Annual Convention of the American Federation of Labor: Comrades, it is our privilege, as your Executive Council, to submit the following report embracing some of the most important facts which have received our attention since the Convention held at Kansas City last year, and to refer to such other matters as it may be in our province to suggest."

Now turning then, omitting 'till page 57, near the **1266**
bottom: "The following firms, have, after due investigation and efforts at adjustments, been placed on our unfair list: Mosely & Motley Milling Co., Rochester, N. Y. (By Cooper's International Union); George Fowler Packing Co., Kansas City, Kansas (By Cooper's International Union); Liggett & Myers, Drummond, John Finzer & Bro., Luhrman & Wilbern (Polar Bear); Gradel & Stortz (By Tobacco Workers National Union); Rice & Hutchins, S. H. Howe, John O'Connell & Son, and John A. Frye, Marlboro, Mass. (By Boot & Shoe Workers Union); F. S. Ganter, Bar and Office Fixtures, Baltimore, **1267**
Md. (By Amalgamated Wood Workers National Union); Illinois Broom Co. (By Broom Makers International Union); Lee Broom Co., Davenport, Ia. (By Broom Makers International Union); Owens Pottery Co., Zanesville, Ohio, (By Central Labor Union, Zanesville, Ohio.); T. B. Townsend Brick & Contracting Co., Zanesville, Ohio, (By Brick Makers National Alliance); P. H. Binz Monumental Worker, Cleveland Ohio (By Granite Cutters National Union); Illinois Iron & Bolt Co., Wagon Skeins, Anvils, Jack Screws, Letter Presses and Press stands, Carpentersville, Ill. (By Federal Labor Union, No. 7241); E. **1268**
& F. Glor Cooperage Co., Buffalo, N. Y. (By Coopers International Union); Phillip Spaeter Cooperage Co., Philadelphia, Penna. (By Coopers International Union); Andrew Kimball Carriage & Wagon Gear, Zanesville, Ohio (By Carriage and Wagon Makers International Union); Moench & Sons Co., Tanners, Alpena, Mich. (By Tanners Protective Union No. 7196); Landers, Frary & Clark, New Britain, Conn. (By Table Knife Grinders National Union); Henry H. Roeloff & Co., Philadelphia,

1269 Penna. The following firms are now upon the unfair list:"

Then follows a list.

Mr. Mulholland:

What we want is that Mr. Loewe's name does not appear on that list.

Mr. Davenport:

No, Mr. Loewe's name does not appear any any of these lists; however, Henry H. Roelofs' name does appear.

I would also offer in evidence, Your Honor, similar
1270 lists from similar reports in the years preceeding 1899. I have included, Your Honor, in this offer from 1899 down to and including the year 1903; now I would like to offer in evidence similar ilsts that preceded—or similar reports containing the lists that both preceded and followed the time when the United Hatters became affiliated to the American Federation of Labor.

Mr. Mulholland:

We object to that.

The Court:

The evidence which you propose now to offer may be
1271 received, subject to the defendant's objection and exception.

Mr. Davenport:

I don't want to read the whole of these reports.

The Court:

Read certain parts that you want to go in.

Mr. Davenport:

Well, I offer in evidence report of the Executive Committee to the Members of the 15th Annual Convention, to be found on pages 26 to 29 of the Reports of the Proceedings of the American Federation of Labor, for
1272 the year 1895, and I read from the middle of page 27:

"The Denver Convention recommended a boycott on the Armour Packing Co. of Kansas City at the solicitation of Beef Boners Union No. 6151; but the boycott when once declared was speedily lifted and all parties concerned satisfied.

"Another struggle, lasting nearly three years was that of the Boot and Shoe Workers Union, against the Crawford Shoe Co., which, at last, was brought to a successful termination in a victory for this organization.

"The Glendale Fabric Co. has also been unionized and the boycott lifted. The Chicago Convention placed a boycott on the Denver Tabor Opera House. The matter has been settled after active work on the part of the unions of that city, and the boycott lifted. The Western Wheel Bicycle Co. reached satisfactory conclusions with the Metal Polishers National Union, and the boycott was removed. The boycott levied by Flower Packers and Nailers Union No. 6348 on the Washburn-Crosby Co's Flower, Minneapolis, was also removed. **1273**

"The Swift Packing Co. of Kansas City, Kansas, incurred the ill will of organized labor; a boycott was levied, vigorously pushed and victory speedily achieved. A number of lesser battles have been fought and won without any special notoriety by our local unions in many cities. **1274**

"At the solicitation of the Garment Workers National Union, a boycott has been recently declared against the clothiers of Rochester, N. Y. You will learn the particulars of this great struggle from the members of this organization in the course of your proceedings, and we bespeak for them a hearty and active support now and in the days to come.

"Other concerns that have earned the displeasure of organized labor are the Royal Mantel and Furniture Co. of Rockport, Ill.; The Imperial Mill Co., Duluth, Minn.; W. S. Kidder & Son Milling Co.,Terre Haute, Ind.; Joseph Biefield & Siegel & Bros., Chicago; J. W. Losse Tailoring Co., St. Louis; American Biscuit Co., Boston Pliot & Republic; Hopedale Mfg. Co., A. F. Smith Shoe Co., Lynn, Mass.; United States Baking Co., Hamilton-Brown Shoe Co., St. Louis; Daube, Cohen & Co., Chicago, Mesker Bros., St. Louis; Clement, Bane & Co., Chicago; Hackett, Carhart & Co., New York; Buffalo Barrels, Louisville, Ky.; Derby Bicycle Co.; State Prison, Jackson, Mich." **1275** **1276**

That was signed by the then President, John McBridge; P. J. McGuire, James Duncan, Roady Kennehan, Thomas J. Elderkin and the rest of the Executive Council.

Now in 1896, which was the year that—Your Honor, I am sixty years old, and I have never worn glasses yet, but this is too much for me. I read from pages 33 and 34 of the Report of the proceedings of the Convention of 1896, signed by Mr. Gompers; Report of Executive Council:

1277 "Many other minor matters were dealt with during the year. The intervention of the Council was asked on different occasions when dispute arose between employer and employed, and not infrequently trouble was averted and advances gained. In many cases trouble could not be avoided with sacrificing the immediate and future welfare of those concerned. Several victories resulted for organized labor. Others are on the way, and some were lost. The following which were declared unfair by the Executive Council are again fair and employing union labor throughout, after an extended warfare in most
1278 instances: Hackett, Carhart & Co., Clothiers, New York City; Cabinet Cigar Co., Detroit, Mich.; S. Ottenberg, Cigars, New York City; Metz Bros. Brewing Co., Omaha, Neb.; G. W. Walker, quarry, Lithonia, Ga.; Detroit Stove Works, Detroit, Mich.; Francis Jones, Quarry, Lithonia, Ga.; Fisher Bros., Malsters, Buffalo, New York; F. W. Wheeler & Co., Ship Yard, Bay City, Mich. The following firms have been declared unfair, and are still under the ban: American Tobacco Co.; S. F. Hess & Co., Cigars; Gormully & Jeffrey Bicycle Co., Overman Bicycle Co.; Chicago Freie Presse; Excelsior Show Case & Cabinet
1279 Works; Los Angeles Times; Kerbs, Wertheim & Shiffer, Cigars; Quarries of Venable Bros.; Quincy Show Case Works; Maple City Soap Works; Monmouth, Ill. Pottery Co.; H. Busbey's Cigars; Gobeille Pattern Works; T. G. Plant Shoe Co.; Adolph Lauk Bindery; Fuller, Warren Stove Co.; Swift's Sure Specifics; H. J. Heinz Pickling Co.; Armour Packing Co.; Cumberland Flour Mills; Liberty Flour Mill; Hart, Schaffner & Marx, Clothiers; Metropolitan Insurance Co.; Sardine Factories of Lubec & Machias, Maine; Berger Bedding Co.; A. Weigel & Co., mattresses."

1280 Now that was the last year that McCraith was Secretary, and the following year, 1897, when Mr. Morrison came in, who is a very accomplished Secretary, the Executive Committee put the language in form that has ever since obtained there, of which I read a specimen. I read from pages 41, 42 and 43, Report of the Proceedings of the Convention of the American Federation of Labor for the year 1897:

"Report of Executive Council, Nashville, Tenn., December 13th, 1897."

I read commencing near the bottom of the last column on page 41: 1281

"We beg to report that the following firms which had been placed on our unfair list have through the efforts of our movement become unionized and therefore removed and placed upon our fair list: Francis Jones, Lithonia, Ga., Employer Granite Cutters; Fisher Bros., Buffalo, N. Y., Brewers (This contest lasted four years and has resulted in eighteen malt houses becoming unionized) Burgner and Engel, Philadelphia, Brewers; Anchor Mill Co., Superior, Wisconsin, Flour Mill; Illinois Sewing Machine Co.; H. S. Block & Co., St. Louis, Mo.; Cigar 1282
Manufacturers; Crown Calk & Seal Co., Baltimore, Md.; Overman Wheel Co., Chicopee Falls, Mass., Bicycles; Garford Mfg. Co. Elyria, Ohio; H. J. Heinz, Cincinnati, Ohio, Pickling Co.; Cincinnati Brewing Co., Hamilton, Ohio; The Boston Belting Co., Boston, Mass.; A. Laux & Co., Lockport, N. Y., Bookbinders; The Excelsior Shoe Case Co., Quincy, Ill., and a number of others of a local character.

"The following named firms have, after due investigation and effort at adjustment, been placed upon our unfair list:" 1283

I won't take the trouble to read them. There is a column there of fine type.

"A large list of disputes were adjusted without the necessity of placing them upon the unfair list. The following is the complete list of concerns now upon our "We don't patronize list."

Then follows a column.

"It is regularly published in the columns of the American Federationist, and we suggest to our fellow-workers and our friends of the labor press that they carefully consult and publish the same regularly, with such revisions 1284
as are necessary from time to time. It is an injustice to a concern to keep it upon our unfair list one moment longer than absolutely necessary after having adjusted existing differences.

"During January 1897 we had on our November list 83 firms. During the year, seventeen were declared unfair by the Executive Council. Ten of this number have been adjusted and removed to our fair list. Since the Conventions in the past have placed most of these con-

1285 cerns on the unfair list it is submitted that greater caution in this regard should be observed in the future. We feel that in order to attain the greatest degree of success we should concentrate our efforts upon a few of the concerns which have proven themselves unfair. Then, again, the care and preliminary effort with which these matters are approached are more likely to bring satisfactory results."

Mr. Davenport:

The one for the year 1898 is of the same general character.

I find commencing on page 55 of the Report of the
1286 Proceedings of the Convention of the A. F. of L. for the year 1898—

Mr. Beach:

That is subject to the same exception.

Mr. Davenport:

"The following, through the efforts of our Union, have been unionized and therefore removed and placed upon the fair list." Then follows a list. Then: "The following firms have after due investigation and effort at adjustment, been placed upon our unfair list." Then follows a long list. I should think there were considerably
1287 more than a hundred. Now if we can make some stipulation that would obviate the necessity of reading that long list of names, I would be glad.

Mr. Beach:

We will make any stipulation that will shorten the presentation of printed documents.

Mr. Merritt:

I will make this statement; that in each of the printed Convention Proceedings of the American Federation of labor beginning with 1895, including 1903, are contained reports of the Executive Council of substantially the same
1288 kind that Mr. Davenport has read and the lists of the various concerns that are placed on or removed from the unfair list.

Mr. Davenport:

Which had been placed upon or removed from, and those which still remain upon those lists.

Mr. Mulholland:

Subject to our general exception to this kind of testimony it can so appear upon the record.

Mr. Davenport: **1289**

Now I want to read a series of extracts from the reports made by President Gompers to the Conventions of 1899, 1900, 1901, 1902 and 1903, in regard to these organizers.

Mr. Mulholland:

That is objected to for the reason that Mr. Gompers was upon the witness stand and could have been examined as to what he had done; and that the report which counsel proposes to read is not the best evidence and is in the nature of hearsay.

The Court: **1290**

Well, that evidence may be put in. It is of the same kind. It may go in.

Mr. Mulholland:

Exception.

Mr. Davenport:

In that connection, I want to read first from page 17 of Mr. Gompers' report to the Convention of 1899.

Recess.

Mr. Davenport:

First, I read from President Gompers' report to the Convention of 1901, at the bottom af page 30, commencing with the word "Conclusion." "Some notion may be gathered of the duties devolving upon the President of the American Federation of Labor when it is understood that he is in constant correspondence with the various officers of the 87 affiliated national unions, and very frequently with those unaffiliated; also with the 20 state branches; the 327 city central bodies; the 1149 local trade and federal unions, the 800 volunteer organizers; the 35 salaried organizers; representatives of the labor movement of foreign countries; officers of our federal state and municipal governmental professors and students and parties in dispute. All of these feel that they have a right to receive advice and suggestions relative to the justice, the needs, the demands, the policy, the philosophy of the labor movement, as well as its methods and aims. In addition to this there are the grievances of unions against employers, unions against unions; public meetings; conferences with representatives of our unions, employers and other individuals; securing contributions to the American Federationist, and writing its editorials. When these **1291** **1292**

duties are borne in mind, it can readily be seen that the entire time, thought and activity of the occupant of the position is taken up to the limit." Now I—

Mr. Mulholland:

If the court please, just for a moment; this has been read. In order to get ourselves right upon the record and to understand, if possible, why this matter has been admitted, may I ask if the court will rule upon this question; as to whether or not the matters now read in any way tend to establish the facts that are therein stated. I understand that counsel introducing it claims that it does.

The Court:

Mr. Gompers says they were accurate. If anything should appear in the evidence here as to any inaccuracy, or there is any dispute about the facts, perhaps we will submit it to the jury, but they are substantially correct, he says:

Mr. Mulholland:

May we continue to save our exceptions?

The Court:

Yes.

Mr. Davenport:

I read from page 29 of the same report, being report of Mr. Gompers as President of the American Federation of Labor to the 1901 Convention, commencing at the top under the head "Volunteer Organizers. It is with intense pride and pleasure I can report the continued splendid services rendered to our cause by the volunteer organizers, who at great personal sacrifice and inconvenience, have given, and are giving their time, energy and ability, and often at their own expense so that the yet unorganized workers may reap the advantage which comes from united effort and also the generally excellent advice and assistance they have rendered to those already organized. It is but faint praise to them to say that they have not only yielded faithful compliance in promptly acting upon any suggestion or instructions calculated to protect or advance the interests of our fellow workers, but they have been ready at any time to respond to the numerous calls made upon them by the workers of their respective localities. No more faithful service was ever rendered by any body of volunteer workers than is freely given by the more than 800 volunteer organizers now hold-

ing commissions from the American Federation of Labor. 1297

"Salaried Organizers.

"Acting upon instructions at the last Convention, and being provided with the means by which these instructions could be carried out a corps of 35 salaried organizers was appointed during the year. Some of these have been working for the entire year, while others have been required to give from four to eight months of their time. In other instances, again, a very large number of organizers, not included in this 35, have had their current expenses paid from periods of one day to one month. Altogether we have expended for organizing: 1298

Organizers permanent and temporary	$32328.74
Organizing, Literature and supplies	1965.87
Postage and Expressage (approximately)	1500.00
Total	$35794.61

"This total $35794.61, expended for organizing purposes, of course, does not include the expenses of the Legislative Committee, nor the American Federationist.

"An examination of the accounts discloses the fact that more than one-half of the expenditures made for organizing expenses was incurred for the Southern and 1299 Western States, thus demonstrating beyond cavial that the American Federation of Labor is performing its fully duty to all our workers, regardless of the section of the country in which they may be located. I am sure that the sentiment of the Convenfion is expressed when the assurance is given that, to the full limit of our ability, the energies of our officers and our organizers will always be devoted to the furtherance of the toilers of America, regardless of geographical lines.

"Canadian Organizer.

"Organizer John A. Flett, of the Dominion of Can- 1300 ada, has been continued during the past year, giving satisfaction to the rank and file of the trades unionists of the Dominion, as well as to the officers of the trade union movement of the United States. Of our volunteer organizers in Canada reference has already been made under the general caption upon that subject.

"National Union Organizers.

"In enumerating the various organizers, reference has only been made to those appointed directly by the

1301 American Federation of Labor, and who do effective work for the entire labor movement. The thought has occurred to me too late for incorporation in this report, to ascertain from our national and international unions the number of organizers that they have appointed, and who are permanently in the field to render service to the cause. I feel confident however that they form a very large corps of effective workers, and who, it is gratifying to state, uniformly co-operate with those appointed direct by the American Federation of Labor.

"American Federationist.

1302 "Our Official Monthly Magazine, the American Federationist, has been published regularly, its columns augmented and valuable assistance and correspondence from our own and other countries secured. The effort has been made to present to our fellow unionists and readers generally the latest and most authentic news from the factory, workshop, mill and mine, written and report by the Secretaries of Unions and our organizers—the men who have participated in or observed the events which they report."

Passing down to page 30: "Publishing in the col-

1303 umns of our magazine practically the entire proceedings of the meetings of our Executive Council, as well as our official reports, giving publicity to the source from which every dollar is received and for which every dollar is expended, has aided in instilling respect for and confidence in the American Federation of Labor its purposes and the methods employed to achieve them.

"Taken as a whole, the American Federationist is now regarded by all students and observers as the most comprehensive and authentic publication in economics, while among our fellow workers it is an efficient organiz-

1304 er, as well as an educator. For convenience, as well as to render it still more efficient to fulfill its mission, the executive council has decided that the American Federationist shall hereafter be sold at ten cents per copy, or the subscription price one dollar per year. Arrangements have been made with the companies distributing newspapers and magazines so that on and after February 1st, 1901, the American Federationist will be handled by them and kept on sale on the news stands throughout the country. The hope is entertained that with this greater fa-

cility for reaching our fellow workers and our other friends a much wider and larger circulation may be obtained to the advantage of all." 1305

Now in the report of Mr. Gompers to the Convention of 1900, I read from page 29, at the bottom, continuing on page 30.

"Organizers.

"In some cases permanently and in other periodically, we have had twenty salaried organizers in the services of the trade union movement within the past year. They have been efficient and at all times have been placed at the disposal of our affiliated organizations whenever requested or whenever any good could be accomplished. 1306 In the selection of organizers, either salaried or volunteer, personal feelings or preference have never entered into consideration. The ability to work, faithfulness and willingness to work have been the factors which have commended them.

"Of the work of our 680 volunteer organizers I should gladly, if I had the power, report in adequate terms; but the power of speech at best is but a poor vehicle by which to express the earnest gratitude we feel for sacrifices borne and herculean efforts made by this splendid 1307 corps of men and women. It has been my privilege to study the work of those engaged in other causes, and it is my conviction that no movement or institution on earth has ever been favored by a band of men and women so thoroughly unselfish, so earnestly devoted, so completely engrossed in their work, as are the organizers of the American Federation of Labor. All honor to them!

"Labor Press.

"We owe a debt of deep gratitude to the labor press of our country, the men who make sacrifices untold in order that they may fittingly defend and promote the 1308 cause and principles for which organized labor stands. We should, by every means within our power, endeavor to compensate them for their excellent services by more generally encourage the workers to give their patronage to those publications which are issued in our own interests.

"The American Federationist.

"Taking it for granted that the men engaged in our movement desire that our official journal should credit-

ably represent the aims and purposes of our movement, as its editor, I have endeavored to make the American Federationist an earnest, faithful advocate of the cause of labor; a defender of the right of the workers; a fearless critic of shams and pretenders; the champion of all that is true, right and just; and with all, to chronicle the facts connected with the splendid, even though sometimes rough struggle for right. Apart from the contributed articles and the open forum I have endeavored to enlist observers and writers in our own and other countries to record the facts, as well as their impressions regarding the labor movement. The detailed report of the officers and organizers, both of the active men in their trades and in their localities, have been published regularly and in great detail, thus presenting a true reflex obtained from the most direct and authentic sources of the activity and progress of our cause. During the past year I have endeavored to present a monthly chart of any fluctuations in the employment of our membership."

Well, passing a little farther down:

"Our unfair list is of constant importance. There has been some criticism of the space the monthly financial account of the American Federation of Labor has taken in our journal, but as we have nothing to hide, the publication of our income, as well as the use for which every dollar is expended has confounded our antagonists as well as won the confidence of our fellow workers. The American Federationist has been one of the best means for the propagation of correct trade union principles; it has largely been the organizer of those who have heretofore remained aloof from our movement. While we get a fair share of advertising for the American Federationist, yet it is far below that which could be secured, much of the difficulty being in enlisting the services of solicitors who are honest and competent and willing to devote their time particularly to our publication; and one of the causes for failure to secure such person or persons is the fact that I have not been authorized to enter into an agreement covering a period of years with an advertising agent, without your consent. I recommend that the President of the American Federation of Labor be authorized, with the advice and consent of the Executive Council, to enter into an agreement of the character indicated."

Now going back to the year 1899, which was the year when the defendant Sculley and one other, I think, were present, I read from page 17 of the Report of President Gompers to the Convention of that year; commencing on page 17 near the middle of the page: **1313**

"Labor Press.

"One of the methods by which we endeavor to accomplish the purposes of our movement is to aid and encourage the labor papers. The extension and efficiency of the Labor Press of America is an excellent barometer of the marvelous strides which have been made. The **1314** few struggling labor papers in the early days of the trade union movement helped to pave the way. Today we have the official trade papers and magazines appearing monthly and some weekly, of a most creditable character. There are but few of our national and international unions which do not publish an official journal or magazine endowed with vast trade and technical and rich in literary merit. These, supplemented by the general labor papers issued by local central bodies, or through private enterprises to espouse the cause of labor in their respective localities, reflecting the sentiment of the organized labor **1315** movement in their respective centers, each vieing with the others to do yeoman's service for the unification of the labor forces of the country, aid very largely, by every means within their power in crystalizing public opinion, so that by peaceful and legal methods the interests of all organized labor, and hence, of all the people, may be advanced.

"American Federationist.

"As editor of the American Federationist, our official publication, it has been my constant purpose to make it an educational factor, and a medium for expressing the **1316** judgment of our fellow unionists, and to give the most accurate record, reflecting the activity of all our organizers, our organization and our members. It is noted with some degree of pride that no statement appearing in the columns of the American Federationist has ever been successfully refuted. It is regarded by the workers and students of our movement, and of economic and social progress as a safe adviser and exponent of trade unionism, the cause of labor; and by our organizers, both gen-

1317 eral and district, it has been commended for the valuable assistance it has rendered them in their work."

Now, I want to read the action of the Convention upon that report. The report of the President was referred to the Committee on President's report as will appear. Mr. Davenport:

Well, page 18. "The reading of the report was well received by the delegates, and applause greeted that portion referring to the affiliation of the telegraphers and the presence of the fraternal delegates. The report was re-
1318 ferred to Committee on President's Report when appointed. Convention then adjourned."

Now from pages 146 to 149 appears the report of Committee on President's report; "Delegate Furuseth, for the Committee on President's Report, reported as follows: Then follows different topic systematically arranged, and I read from that on page 149, under subhead 29 "Of the Labor Press the President says truly 'They are great agencies for good.' They work marvelous results. The monthlies and weeklies of the various organizations are good within themselves, but their influence of a general character is limited in any community;
1319 but the weekly press has an influence far beyond the membership of the organization of the locality in which it is published. The struggle of some of them to continue publication would be grotesque was the picture not painfully pitiful. The weekly labor press is a powerful engine in the labor movement. It is talking when all other agencies are slumbering. It makes or mars the labor movement in any community in which it does business; by reason of its existence the movement has so developed that the daily Press has been forced to give space to considerable of the toilers' side of the question. As proof of
1320 this it may be marked that in localities where labor papers are not published little is known of the movement, and not an item on the subject appears in the daily press. In cases of strikes, boycotts or lockouts it is the only weapon in the field of publication the toilers have; it is the only avenue through which their grievances can be truthfully presented to the public. We recommend that each delegate to this convention go home feeling it a solemn and religious duty to aid and assist the legitimate labor press. Regarding the Federationist (under sub head 30)

"We appreciate its value and suggest that the incoming **1321**
Executive Council consider ways and means of enlarging the same and extending its circulation." This was signed by A. Furuseth, Chairman, and the other members of the committee. Delegate Feeney moved to concur in the Committee's report. Delegate Tracy offered the following amendment to Paragraph 28, by adding a clause that the Executive Committee and Legislative Committee of the American Federation of Labor are hereby instructed to use every means in their power to carry out the provisions of this resolution. The Committee accepted the amendment of Delegate Tracy. With that slight **1322**
amendment Delegate McGuire moved that the report be placed in the handers of the printer immediately so the press could secure copies of the same. Adopted."

"Delegate Kent moved a rising vote of thanks to the committee for its report. Adopted."

Recess until tomorrow morning at ten o'clock.

Morning Session, Wednesday, Sept. 4th, 1912, 10:00 A. M.

Mr. Davenport:

We have now approached the period when these things began to bother Mr. Loewe, and I will ask to go **1323**
a little more into detail. I read, your Honor, from page 58 of the report of the proceedings of the Convention of 1902 of the American Federation of Labor commencing near the bottom.

Mr. Beach:

The same objection, of course, and ruling, and exception is understood to apply.

Mr. Davenport:

"Our Official Magazine, the American Federationist, has been enlarged and improved in every particular. Arrangements have been made to have it handled by the **1324**
American News Company, and it is now on sale at the news stands throughout the country. We feel assured that with the increased revenue derived from its publication it can be made even a much more effective organizer and educator, while, at the same time, an excellent means for the publication of our official matter, so that it may continue to an even greater degree to be regarded as the text book and reference publication of the Labor movement of our country and our time."

1325 And I read form page 19, of the same report, 1902, being a portion of the report of President Gompers.

"Through our official magazine, the American Federationist, I have called attention to the fact that perhaps the most effective answer which could be interposed to injunctions issued to restrain organized labor from issuing circulars in regard to the boycott, is the constitutional guarantee of the right of free press and free speech. If a circular of the character referred to, or a speaker, misstates the facts to a man's injury and involves libel, the law affords ample remedy; but in that case the offense
1326 is in the libel, not in the boycott. It is therefore strongly urged that where no misstatements of fact libelous in character are alleged, the right of free speech be interposed as an answer to all injunctions of this kind. A free press does not simply consist in according that freedom to newspapers, but equally to pamphlets and circulars, through which means most controversal questions were discussed before the era of our modern newspapers, and for which the right of free press was the cure."

And I read from page 24 of the Report of the Convention of the same year, 1902, under the heading of
1327 "American Federationist:" "Our Official monthly magazine, The American Federationist, should be a source of pride to every trade unionist, as it has become regarded by all students and thinkers, as well as the active participants in our movement, as the text book of the trades union movement—the movement of the wage earners—as it is and aspires to become. No magazine in the world can truly boast of as large and as comprehensive a list of noted writers and contributors on economic subjects. Nowhere is published, other than in the American Federationist, so complete, reliable and new facts gathered
1328 from every field of industry. It is a perfect reflex of Labor's doings, freshly culled by those most active participants in the doings.

"During the past year its columns have contained symposiums on the great economic questions of the day, the histories of the formation, growth and work of the trade union movement in our country, the purpose for which our movement stands and the means to be employed to accomplish them. It has a number of European correspondents, giving a resume of the movements

in the respective countries. It publishes the actions of your office, statistical information and the state of employment; circulars of an important character, and financial statements. I have endeavored to have the columns of the American Federationist a free and open forum for those who have something to say, regardless of the shade or color of their opinion. 1329

"Editorially I have endeavored at all times to espouse the cause of the wage earners, defending them from foul aspersions or attacks, whether open or covert, and to present to the world the best through of which I was capable, constantly pressing home upon all, the claims which the toilers make upon modern society for a higher and a better life. While not expecting to please all, and having no such purpose, yet were I to attempt to publish all the ecomiums of praise and commendations for the contents and make-up of the American Federationist, there would be little room in its colums of ought else. A few commendations have recently been published in one issue, to which your attention is respectfully commended. 1330

"There is evidently a misapprehension among some to the effect that the American Federationist is a source of expense to the American Federation of Labor. This is wide of the mark. You will have observed that both in quantity and quality of matter it has become enlarged; that under new arrangements a generally splending clientele of advertisements have been secured. These have necessarily involved expenditure to secure. These expenditures are met immediately, while advertisers usually meet their obligations some considerable time after the appearance of their business announcements. The sums due the American Federationist from this source and from responsible concerns will fully cover any apparent deficit against it. Together with this must be taken into account that we publish monthly the financial statement of the American Federation of Labor. The official unfair list, the roster of charters issued, the official chart, official circulars and the proceedings of the Executive Council meetings when held, as well as the reports of the Legislative Committee. This does not take into consideration the reports of officers and organizers 1331 1332

1333 which usually occupy more than twenty pages in addition.

"The following matter printed and published in the American Federationist is an expense incurred for which no accounting is made, and hence charge to the debit side of the magazine. This matter would otherwise have to be printed, mailed and postage paid:

	Pages
"Financial statement (for which price and a half composition is paid)	324
Executive Council Minutes	60
1334 Unfair list	76
Circulars	20
General Official and Labels	67
Total pages	547

"In addition must be taken into account the fact that a copy of the American Federationist is mailed free each month to the officer of every affiliated organization, and to each organizer of the American Federation of Labor, for which no accounting is made, and which is charged to the debit side. I am confident that notwithstanding this 1335 heavy expense which the American Federationist bears to its debit, it will at an early day show a balance on the right side. The main purpose, however, which we should have in view is continually to improve its character and make up so that it may more thoroughly become recognized what it already is pre-eminently the economic magazine of our country."

Now I want to read from the Secretary's report to the same Convention, under the head of "Expenses, Recapitulation," on page 28: "Receipts" "American Federationist, $17170.17. "Expenses, $28,186.11; Printing 1336 and publishing American Federationist $25406, out of a total disbursement of $19,086.74."

Now I turn to the Proceedings of the Convention of 1903, on pages 30 and 31. I commence reading near the bottom of page 30:

"In former reports I have taken occasion to commend the zeal of our organizers, both volunteer and special. I can only reiterate and emphasize the deep obligation under which our movement must necessarily be to the men who bear the brunt of unwisdom and prejudice

in going among the unorganized and carrying to them 1337
a word of welcome, of hope and encouragement. Primarily the consciousness of having performed the high duty in the interests of the workers as well as of the entire human family must be their compensation and reward. We can but attest our appreciation of the work by co-operating with them so long as life and strength may be ours in the uplifting and enobling work. Nor can we be unmindful of the splendid work done in advancing our cause by our official journals and the labor press generally. Often under most adverse circumstance, under great effort and sacrifices is the cause of labor de- 1338
fended and maintained. Though some have fallen by the way, others have stepped into the breach and proclaimed the doctrine of justice and fair treatment for labor and enmity toward none. Despite the fact that ours is one among the youngest of industrial countries, and that our labor movement is therefore of comparatively recent growth and development, yet no country can proudly boast of so large a number of magazines, official journals and labor papers, or so ably conducted as is the Labor Press of America. Now merely as a platonic declaration, but as an earnest appreciation of the splendid service rendered 1339
our cause, our fellow unionists, our fellow workmen, friends and sympathizers everywhere should give the labor press unstinted support.

"THE AMERICAN FEDERATIONIST:

"The American Federationist, our official monthly magazine, is unquestionably now the standard publication in the economic world and is so regarded by trade unionists and students not only of our own country but the world over. In correspondence with statistical and other departments of labor of the Federal, State and For- 1340
eign governments, it is accepted as the best and most accurate reflex of the American labor movement. How its professors, students and those called upon to debate the various and complex questions of Trade Union growth, principles and philosophy, and those in our own ranks advocating upon the public platform the cause for which we stand, accepted it as their text book, guide and teacher. Its columns are quoted and referred to in every standard work upon the labor problem, and withal it is an edu-

1341 cator to the unorganized. Its articles, reports and editorials are republished in the newspapers and magazines. It sets forth the thesis of labor; it is the educator of the unorganized, and it commands the respect even of our opponents.

The contents of the magazine have grown from 288 pages in the first volume of 1894 to more than 1,000 pages in volume 9 of 1902, and twelve hundred and forty-four pages for the eleven months closing with the current number, November 1903. With its extension in pages it has been improved both in quality and variety of matter as
1342 well. We have published symposiums upon some of the most important features in connection with the labor movement and labor problem. We have had contributions from the keenest thinkers and most competent writers. The department of reports from our organizers, officers of international and of local unions, forms a comprehensive review of the labor conditions throughout the country giving the news from the field of industry obtainable in no other way and published nowhere else. Increases in wages, reduction of hours, improved conditions gained by strikes or without strike, work done for
1343 union labels, unions organized during the preceding month, city ordinances or state laws passed affecting labor —these features are also exceedingly valuable to all those who take an interest in the industrial affairs of our country. In order to secure these reports accurately and comprehensively, blanks are forwarded to all organizers with return prepaid stamped envelope, and also to secretaries of unions, while considerable time and work are necessary for an intelligent digest and presentation of these reports for publication; and these in themselves necessarily entail a considerable expenditure.

1344 Apart from the symposiums on various other topics, we have enlisted the co-operation of the officers of the International Trade Unions of the country, who have contributed succinct yet accurate and intelligent histories of the origin, the growth and the work of the American Trade Union movement. These form a comprehensive insight into the history of the American Labor Movement. In the current number is published a review of the progress of the International Trade Union Movement for the year.

We have correspondents in England, Germany and Austria, who regularly furnish us with a monthly letter and review of the trade union movement of their respective countries; and occasionally we receive correspondence from France, Italy, Spain, Australia and other countries. The publication of these, together with all other matter in the American Federationist, gives to students a fair conception of the activity of our movement the world over. 1345

"It is not my desire to set forth either the merits, or, as some may believe, the demerits of the American Federationist, editorially considered, except to say this, that it has been my constant aim to clearly set forth and defend the principles, the policy, the methods and the entire aspirations for which we stand. Whatever criticisms may be indulged in, no one, I think, can truthfully aver that there has been an equivocation or failure to assert our position upon any subject coming properly within the sphere of trade union activity. 1346

"No one has dared assail our movement without the censure, the exposition and the rebuke deserved.

"In the American Federationist we publish all official matter, detailed financial statements of all income and expenditures, circulars, appeals, notices and other documents for the discussion and education of our fellow workers and the general public. In the past fiscal year we have printed Secretary's monthly financial statement (Composition price and a half) 152 pages, Executive Council Minutes, 30 page. Fair and Unfair list, Circulars, Official Notices and Labels, 41 pages, total pages 223. 1347

The law requires (law of the Federation) that the Secretary shall forward a copy of the American Federationist each month to the officer of every affiliated organization. A copy is also sent to each of the organizers of the American Federation of Labor. All these are sent free and no accounting to the credit side of the American Federationist for all these expenditures and costs is given. 1348

"It should also be stated that up to the close of the fiscal year there was due to the American Federationist, from outstanding debts—much of which has since been received, and all regarded as a safe asset, more than nine thousand five hundred dollars.

1349 "The Secretary quite properly feels that he has no authority to place a number of these expenditures and costs to the account of the American Federation of Labor. I am quite satisfied that many of them ought to be so accounted, and I therefore recommend that authority be given to the Secretary to make such accounting for the future. These together with new plans in contemplation will not only make the American Federationist self supporting, but in due time be a source of revenue to the American Federation of Labor.

1350 "But apart and beyond all these considerations, there is no question in the minds of any of our friends and fellow unionists as to the effective work and agency the American Federationist is to our movement."

Now I want to read from the report of the Secretary to the same Convention, on page 39, "organizing expenses $60,798.29, printing and publishing American Federationist, $42883.68."

Now I want to call attention to the following statement in this report on page 59, in the Secretary's report:

1351 "The following statement shows that during the twelve months ending September 30th, 1903, there has been issued from headquarters an average of 1012 letters, etc. Proceedings of Convention, 1902, $5292.

Now in the proceedings of 1902, on page 29:

1352 "The volume of work increased to such an extent during the past eleven months that it became necessary to secure additional quarters. There are employed at headquarters thirty-three employees against twenty-three in 1901, twelve in 1900, and four in 1897. The following statement shows that during the eleven months ending September 30, 1902, there had been issued from headquarters an average of 793 letters, circular letters and packages, etc. Proceedings of Convention $5668."

Now to show, Your Honor, what publicity was given by these gentlemen to this organ, I read, first, from the January American Federationist of 1902, page 54: "Are you a subscriber to the American Federationist? If not, send in your subscription at once. Get up a club among your neighbors. Have your union take one or more copies for reference. The year of 1902. No effort will be spared during the coming year to make the American Federationist the foremost economic review of the

world and the best medium of labor news to be found anywhere. Our staff of foreign correspondents will give accurate and exclusive news of the movement abroad. Our eight hundred local and general organizers furnish an unequaled labor news service for this country. We are arranging for articles by authorities on all phases of economics. Our standing Legislative Committee will give monthly reports of the progress of labor legislation during the coming Congress. Every wage-worker needs the American Federationist for its bright, original and up-to-date information on labor topics which it is of great advantage to him to know. Every Union member should have the American Federationist regularly. The reports of National Secretaries, organizers; the official announcements; the unfair list; the fair list; the news of current economics; the editorial comment; are all necessary and valuable to him, for constant reference, both as to local and general affairs. 1353 1354

"Every man and woman in the country needs the American Federationist for the information on industrial matters given in each issue. No question is more important today than the relations between labor and capital. The American Federationist appeals to a great and important constituency, deals with the vital principles of economics. It places before the readers and thinkers of the country the living, palpitant story of the struggle of the workers to retain their rights and to reach the ideal of economic freedom. It never was in better condition, nor better able to furnish its readers the last words on economics than it is today. For sale by all news dealers after February 1st, 1902." 1355

And on the following page, page XI: "Important Announcement. Readers Attention. On February 1st the American Federationist will be placed on sale at all news stands throughout the country. Ask your news dealer for it. Ten cents per copy. A Dollar per year." 1356

On page 44, at the bottom of the January Federationist, 1902: "The American Federationist has a two-fold mission. As the official magazine of the many powerful organizations affiliated to make the American Federation of Labor it owes to more than a million organized workers a faithful record of the progress of the movement each month from the Atlantic to the Pacific. This is ac-

1357 complished through reports from thoroughly reliable and official sources furnished by national and international secretaries; also by the graphic account of labor conditions sent from our corps of more than 800 commissioned organizers."

"The magazine owes to the General Public an account of the progress of the Labor Movement in general. Its series of special articles of current economics, its special historical matter and statistical data all help to fulfill this mission.

"The American Federationist covers a unique field.

1358 It has many resources and important avenues of information not at the disposal of any other publication on economics. The volume beginning this month will contain many novel features, which will be announced from time to time. Among them may be mentioned a foreign department so complete that our readers will be kept informed of the industrial happenings throughout the civilized world. Every department which has proved of interest or value in the past will be retained and strengthened."

Now on page 27 Editorial Column of the January,

1359 190[illegible] Federationist: "Arrangements have been made with the American News Co. to have the American Federationist placed on sale at News Stands throughout the country at ten cents per copy on February 1st, 1902."

"In the February, 1902, number of the American Federationist, on page VII, appears the following: "Ask your news dealer for it. This month the American Federationist is placed on sale at all news stands throughout the country. Ten cents per copy. One Dollar per year."

Passing on to the March, 1902, Federationist, the

1360 following appears on page I: "Ask your News Dealer for the American Federationist. It is on sale at all news stands. Ten cents per copy. One Dollar per year."

Now on page 147 of the same issue, following the reports of the organizers:

"The American Federationist is now on sale at all news stands. Ask your news dealer for it."

And I will content myself, if my esteemed brethren do not object, by directing attention to the April, 1902, American Federationist, on page V, where the same state-

ment appears. In the May Federationist, page IX, the same statement in large type. And in the May, 1902, Federationist, page 240, appears the following at the bottom of the page under the heading of "Editorial Notes." **1361**

"The response of national and international secretaries to our requests for co-operation in extending the circulation of the American Federationist has been most hearty, cordial and prompt. Through their agency descriptive literature and sample copies of the magazine have been placed in the hands of scores of local members who desire to undertake the work? No effort is spared to make the American Federationist valuable and helpful to every member of organized labor, in the general articles, the special reports and the official announcements." **1362**

"Now in the June number, on page 352, is the following in large type:

"Workers, subscribe for the American Federationist and secure other subscribers. It is your magazine. It defends your interests, and advocates your cause against that of any other body on earth. A liberal commission on all subscriptions sent in. Write for terms. Why don't you become an agent? The American Federationist is on sale on every news stand. If you fail to see it on your news stand ask the reason why." **1363**

August, 1902, on page VIII of the American Federationist.

"Ask your news dealer for the American Federationist. Ten cents per copy, a dollar per year. It is on sale at all news stands."

From the American Federationist for August, 1902, on page 442:

"Our forthcoming September number should be read by every worker in the country and by every student of economics. All the regular departments will be replete with interesting news gathered from every section of the country, and in every way the magazine will be worthy of the day we celebrate." **1364**

Now in the December, 1902, American Federationist, there is published under the heading: "Editorial Section"

"Editorial Section. Report of President Samuel Gompers to the 22nd Annual Convention of the American Federation of Labor at New Orleans, La. Permit me to

welcome you, representatives of the wage-earners of our country, assembled here as you are directly from factory, shop, mill and mine, with the mandate from your constituents to review the past and formulate the means by which the greatest cause of human progress may be advanced. This session of the American Federation of Labor marks an episode in the progress of enlightenment unparalleled in the world's history. We meet in solid phalanx, regardless of creed, regardless of dogma. With national pride, but without international prejudice. The numerical growth of our movement, the wonderful exhibition of strength, power and influence as shown during the year must serve the purpose to nerve every union member to greater endeavor to bring within the beneficent fold of the trade union movement the yet unorganized workers upon whom the law of self preservation and mutual help has not yet gone.

"Six new national unions were formed during the year, and two are now in the process of formation; while others will soon be in a position to have a national or international charter formed from existing local unions of the trade.

"In all, new charters were issued to national and international unions, fourteen; state branches six; central labor unions, one hundred and twenty-seven; local trade unions and federal labor unions, eight hundred and seventy-seven; total one thousand and twenty-four."

One page 931 "Organizers."

"Co-incident with the growth and extension of our movement we have increased the number of both volunteer and salaried organizers, until we now have nearly one thousand holding commissions direct from the American Federation of Labor. I can but reiterate the report which I have had the honor to submit to you heretofore, to the effect that our volunteer organizers render our movement and cause incalculable valuable service, and that no men in the rank and file are more self-sacrificing, prompt or more faithful in the great work of upbuilding our organization and spreading the light and gospel of unionism, advocating and defending the cause of the wage earner. It is peculiarly gratifying that these men give all their time other than that in which they are employed at their vocation to the cause of labor and to the cause

of human justice, without reward or hope of reward, other than the consciousness of duty well done to further a principle. 1369

"Salaried Organizers.

"We have fifteen salaried organizers permanently employed and engaged in the work for the year and thirty-nine others devoting from one month to six months of their entire time. Then again the expenses incurred by volunteer organizers are also defrayed from the funds of the American Federation of Labor. I have endeavored to have organizers devote their energies to the sections of the country best calculated to accomplish the greatest 1370 results for our fellow-workers. Complying with instructions, organizers have been placed in the West, the South and the Middle States as well as other portions of the country. Your attention is called to the table in the Secretary's report. The expense incurred for organizing was as follows: Salaried organizers $24950.30; Volunteer organizers, expenses paid, $3,235.81; Organizing literature $1,031.64; clerical and stenographic help (approximately), $3,000.00; postage and expressage (Approximately), $1,500; Executive Council, Pacific Coast Organizing Tour (approximately) $2500.00; Total $36217.75." 1371

Now on page 933:

"Through our official magazine, the American Federationist, I have called attention to the fact that perhaps the most effective answer which could be interposed to injunctions to restrain organized labor from issuing circulars in regard to the boycott, is the constitutional guarantee of the right of free press and free speech. If a circular of the character referred to, or a speaker, misstates the facts to a man's injury and involves libel, the law affords ample remedy; but in that case the offense is in the libel, not in the boycott, it is, therefore, strongly 1372 urged that were no misstatements of fact libelous in character are alleged the right of free speech be interposed as an answer to all injunctions of this kind. A free press does not simply consist in according that freedom to newspapers, but equally to pamphlets and circulars, through which means most controversial questions were discussed, before the era of our modern newspapers, and for which the right of free press was secured."

1373 On page 937 of the same number of the Federationist, same report: "Our official monthly magazine, the American Federationist, should be a source of pride to every trade unionist, as it has become regarded by all students and thinkers, as well as the active participants in our movement as the text book of the trade union movement, the movement of the wage earners as it is and aspires to become. No magazine in the world can truly boast of as large and as comprehensive a list of noted writers and contributors on economic subjects."

Now, if you do not insist, I will desist from reading
1374 this on account of the strain upon my eyes. I come to this in conclusion of that which I read before from the proceedings:

"In addition must be taken into account the fact that a copy of the American Federationist is mailed free each month to the officer of every affiliated organization, and to each organizer of the American Federation of Labor, for which no accounting is made, and which is charged to the debit side."

Now I want to show what use was made by these defendants of this magazine with reference to the union
1375 label as an instrument of boycotting, but before that I will read the call for the Scranton Convention in 1901, found in the November American Federationist for that year on page 496, under the heading of "Official."

Mr. Mulholland:

To which we object, and save an exception.

The Court:

Call for what?

Mr. Davenport:

Call for the Scranton Convention, 1901, at which Mr. Bailey attended and at which this resolution was adopted.
1376 I want to direct attention at this time to an expression—I cannot express it as beautifully as Mr. Gompers expresses it, and as he can always express it in the editorials which I offer, and which your Honor suggested had better be read. But this is the report of the official call which sufficiently indicates the things that I wish to put before the jury for a better understanding by all, of this organization.

"Official: Headquarters American Federation of La- 1377
bor 423-5 G Street, N. W., Washington, D. C., October 11th, 1901.

"To all affiliated unions, greeting. Pursuant to law, notification is hereby given that the 21st Annual Convention of the American Federation of Labor will be held at St. Thomas College Hall, in the City of Scranton, Penna., beginning at ten o'clock, Thursday morning, December 5, 1901, and will continue in session until the business of the convention has been concluded. Inasmuch as matters and measures of extreme importance to the wage 1378
workers of our country awaits the calm, deliberate consideration and action of the organized workers of America in our Convention, every organization entitled to send delegates is urgently requested to be fully represented, and this too by the most faithful and best qualified members. Under no circumstances should mere favor prevail in the selection of delegates. The cause of Labor is too sacred, important, and far-reaching to warrant our unions in selecting as their delegates to the conventions of the American Federation of Labor any but those who not only have the interests of the toilers at heart, but who comprehend the conditions by which we are surrounded 1379
and can be helpful in devising the most practical means to secure relief from burdensome conditions and to protect and promote the best interest of the toiling masses of our country.

We have not only to organize the yet unorganized toilers, to unite in one compact body the unions of the several trades and callings; to more completely establish the federation of all; to make the unions and our federation constantly more effective in opposing the wrong and establishing the right; to extend our resources, to maintain the vantage ground already secured, and to provide 1380
for the constant advance of the workers on the road to emancipation from the thraldom of ignorance and greed; to carefully and intelligently outline our future action, and bravely defend our firm convictions and resolves. These and many other matters too numerous to mention here require the attention of the delegates to the forthcoming Convention; and the Unions are therefore importuned though temporary sacrifices may have to be made, to be fully represented at the Scranton Conven-

1381 tion. The Principle of no taxation without representation holds good in the American Labor Movement as well as upon any other field of human activities; and when representation is accorded in our Conventions, Unions do themselves and their members a grave wrong when for any reason they fail to take advantage of the opportunity offered.

"Representation: Representation in the Convention will be upon the following basis: From National or International Unions for less than four thousand members, one delegate; four thousand or more, two delegates; eight
1382 thousand or more, three delegates; sixteen thousand or more, four delegates; thirty-two thousand or more, five delegates; sixty-four thousand or more, six delegates; and so on; and from central bodies and state federations, and from local bodies not having a national or international union, and from Federal Labor Unions, one delegate.

"Organizations, to be entitled to representation must have obtained a certificate of affiliation (charter) at least one month prior to the Convention; and no person will be recognized as a delegate who is not a member in good standing of the organization he is elected to represent.
1383 Only bona fide wage workers, who are not members of or eligible to membership in other trade unions, are eligible as delegates from Federal Labor Unions.

"Delegates must be selected at least two weeks previous to the convention, and their names forwarded to the Secretary of the American Federation of Labor immediately after their election.

"Delegates are not entitled to seats in the Convention unless the tax of their organizations has been paid in full to October 31st, 1901."

That is all I will read of that.

1384 On page 183 of the June 1900 American Federationist, in a communication signed by John Phillips, Secretary of the United Hatters, and headed "Our label gallery:" "The United Hatters of North America Appeal to you for assistance. We do not ask for financial aid, nor do we ask you to make the slightest sacrifice of either time or money. Our request is a simple one. Do not buy a fur or felt hat, either soft or stiff, unless the genuine union label is sewed into it. That is all there is

to it, and if you comply with your request you will con- 1385
fer upon us an everlasting favor."

Then followes a fac similie of the trade mark or label of the United Hatters of North America:

"The following are prominent non-union concerns: Henry H Roelofs & Co., Philadelphia, Penna.; John B. Stetson Co., Philadelphia, Pa.; T. C. Millard & Co., Danbury, Conn., New York Office 20 West 4th Street; F. Berg & Co., Orange Valley, N. J., New York Office, 15 Washington Place; E. V. Connett & Co., Orange Valley, N. Y., New York Office 25 Waverly Place; Meyer Mercy, Polk Street, Newark, N. J., New York Office 8 Washing- 1386
ton Place; James Marshall, Fall River, Mass., New York Office 9 Waverly Place; Waring Hat Mfg. Co., Yonkers, N. Y.; New York Office 15 West 4th Street; C. H. Merritt & Son, Danbury, Conn., New York Office 22 Washington Place.

"Millard & Co., Meyer Mercy, James Marshall and C. H. Merritt & Son sell their hats through the jobbing house of C. H. Tenney & Co., 8 Washington Place, New York. The Miller hat is non-union. It is made at the John B. Stetson Co.'s factory, Philadelphia, Pa. Miller's principal store is at 258 5th Ave New York. The You- 1387
man's hat is also non-union. It is made at the non-union factory of Henry H. Roelofs & Co., Philadelphia. Youman's principal stores are at 158 and 1107 Broadway, New York.

"Hats made by the John B. Stetson Co. and by Henry H. Roelofs & Co., Philadelphia, are not union make.

"For the assistance which we have received from organized labor in the past we are sincerely thankful. The support given to us by our friends has enabled us to unionize over twenty factories during the last eighteen 1388
months, and with a continuance of it we will be able to unionize every hat factory in the country. Keep a sharp lookout for counterfeit labels. As a general thing they are not perforated on the four edges. They are sometimes perforated on three of the edges and sometimes only on two. The genuine label is perforated on the four edges, exactly the same as a postage stamp. Compare the label in your hat with the cut above printed. Do not patronize any retailer who has loose labels in his

1389 store. Loose labels in retail stores are counterfeits. Do not buy a hat unless the label is sewed in it. Non-union hats are sometimes found with counterfeit labels sewed in. The fact of a label being sewed in does not go to prove that it is a genuine one, though as a rule it does. Do not believe people who tell you that union labels are not used in soft hats. They are used in soft hats just the same as in stiff hats. 477 Park Avenue Brooklyn, N. Y., John Phillips, Secretary."

Now I offer to read in evidence, Your Honor, and lay before the jury as found in the American Federa-
1390 tionist for successive numbers, the following advertisement.

The Court:

Any objection to it?

Mr. Mulholland:

Yes, if the Court please.

The Court:

What is the objection?

Mr. Mulholland:

It is absolutely immaterial to the issues in this case, if the Court please.

1391 The Court:

The objection is overruled, put upon that ground.

Mr. Mulholland:

Exception.

Mr. Davenport:

Well, now, I will read from page 274 of this volume of 1902, which was May 1902.

"Union label of the United Hatters of North America. Clasped hands. When you are buying a fur hat, either soft or stiff, see to it that the genuine label is sewed in it. The genuine label is perforated on the four edges, exactly the
1392 same as a postage stamp. If a retailer has loose labels in his possession, and offers to put one in a hat for you, do not patronize him. Loose labels in retail stores are counterfeits. Unprincipled manufacturers are using them in order to get rid of their scab made hats. The John B. Stetson Co. and Henry H. Roelofs & Co., both of Philadelphia, Pa., and F. Berg & Co., Orange Valley, N. J., are non-union concerns. John A. Moffitt, President, Orange, N. J. John Phillips Secretary, 797 Bedford Avenue, Brooklyn, N. Y."

Mr. Davenport: 1393

Your Honor, it has been called to my attention by the gentlemen on the other side that when I read from that petition of intervention I did not have it marked as an exhibit and put in; and I want to have this marked as an exhibit.

Mr. Mulholland:

We object to that being introduced as an exhibit in this case.

The Court:

It may be admitted.

Mr. Mulholland: 1394

Exception.

(The petition of intervention had already been marked as "Plaintiff's Exhibit 62," as appears on page 400 of this record).

Mr. Merritt:

There were just a few matters in these proceedings of the American Federation of Labor that I wanted to call attention to. It won't take me but a moment.

In the proceedings for 1896, and included in the Secretary's official report, on page 29 we find notes referring to the activities of the different allied trades; tailors, bakers, moulders granite cutters, cigar makers, etc., down to hatters. 1395

Mr. Mulholland:

Objected to for the reason that it is introduced for no purpose but to prove facts therein stated, and it is not the best evidence of the facts therein stated, and is hearsay.

The Court:

That has been admitted several times.

Mr. Mulholland:

Save our exception.

Mr. Merritt:

This is what the Secretary reports on hatters:

"Hatters—no strikes or lockouts. Four factories union- 1396
ized by the label, and won two boycotts."

And I now read a similar reference from the Convention reports and proceedings of the American Federation of Labor for 1898.

Mr. Mulholland:

To which we object and exception.

Mr. Merritt:

I read from the report of the Secretary, on page 34.

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1397 Mr. Merritt:

After referring to carriage and wagon workers, coopers, core makers, window glass cutters, electrical workers, amalgamated association of engineers, steam engineers and numerous other trades, the report concerning hatters followed. "Gain in wages, slight advance. Gain in other respects; non union shops unionized, three or four. Lost during the year, none. Boycotts won, one; lost, none."

The Court:

Fifteen minutes recess, gentlemen.

Recess.

1398 Mr. Merritt:

Now, Your Honor, I will ask to have these various copies of the journals of the United Hatters marked for identification; and then as we go along we will offer such parts as we care to offer; beginning with the Journal for August 1st, 1898.

Mr. Beach:

Unless some other objection of that kind is made, it may be understood, so far as the defendants are concerned, that when the gentleman states to the stenographer that he is reading from such and such number and such and such volume of the journal of the United Hatters of North America that

1 **1399** the extract which follows is actually printed in that number and volume.

The Court:

Is that satisfactory, Mr. Merritt?

Mr. Merritt:

And it will not be necessary to mark them as exhibits in this case.

Mr. Beach:

And that we waive marking the volumes as exhibit.

Mr. Mulholland:

1 1 Do we understand that a general objection can be carried **1400** through to everything he reads from these journals to August, 1903?

The Court:

That may be so understood.

Mr. Mulholland:

And we are not to be required to make any separate and distinct objection to articles as they are offered?

The Court:

That is right.

Mr. Merritt: 1401 09

I show the jury first a copy of one of these Journals, so they can have a general idea of what it appears to be. Here is the heading "Journal of the United Hatters of North America." The label of the United Hatters of North America appears here: (indicating). Here we have published contributed reports: "News from the District, Bethel Makers," signed by Martin Lawlor, Secretary, Hat Makers Union, Bethel, and the next one is finishers, signed by William P. Bailey who was here and testified. The Boston Finishers, all of these being of the same general character, as you see.

Going on here I pass to what you call the Editorial page. 1402 10
"Journal of the United Hatters of North America, issued to promote the welfare of the craft and to awaken in them an interest in the work of emancipating wage earners from industrial slavery." The union label and "the officers of the United Hatters of North America, President John A. Moffitt, 28 Lincoln Place, Orange, N. J.; Vice President, Martin Lawlor, Bethel, Conn., Secretary John Phillips, 477 Park Ave., Brooklyn, N. Y.; Treasurer Edward Moore, 114 Noble Street, Philadelphia, Pa.; Directors, William F. Leigh, Box 44 Bethel, Conn.; William Curran, 389 Windsor St., Cambridgeport, Mass., Andrew J. Moffitt, 1491 1-2 Herkimer Street, 1403 11
Brooklyn, N. Y.; James T. Maher, 46 Town Hill Avenue, Danbury, Conn.; Charles J. Barrett, 119 Liberty Street, Danbury, Conn.; George J. Byron, 44 Monroe Street, Newark, N. J.; John T. Callanan, 182 Camden Street, Newark, N. J.; John W. Scully, South Norwalk, Conn.; M. McGinty, 17 Franklin Street, South Norwalk, Conn.; Edward Scully, 40 Jefferson Street, Orange, N. J."

And this is the same journal which these defendants have testified that the secretary referred to as being circulated by them.

I read first extracts from report of Mr. Lawlor, appearing 1404 2
in the journal for August, 1898, on page 1: "News from the districts: Bethel Makers.

"It is a standing law of this Association that any of its members found patronizing a barber shop that is not using or purchasing any article without the union label, when it is possible to purchase such article with the label in be fined the sum of $2.00."

I now read from the same page of the same Journal from the report of William T. Bailey of the Bethel Finishers.

1405 "The Finishers held their annual meeting on the evening of July 13th, and elected George W. Morehouse President; Charles Hoes, Vice President; W. P. Bailey, Secretary, H. S. Gilbert, Treasurer; Charles Spick, W. H. Green, W. McDowell, E. F. Beach and E. McDowell, Trustees.

"The organizer of the State Branch of the A. F. of L. addressed the meeting, which was a large one, about 250 being present. He was enthusiastically received and action will be taken at our next meeting in reference to becoming a part of that body.

"Bethel Finishers voted in opposition to the Journal, not
1406 so much because they were opposed to it as a Journal but because of the general opinion that it would be an extra expense without adequate return, and also from the fear that it would be the means of creating another salaried position for some member of the organization, thus calling for more revenue which would mean increased dues. A well conducted Journal if without extra expense would be for the best interest of the Association. If issued monthly it would keep the members in closer touch with each other and each member of the trade association would be able to keep better posted on what is going on in and for the interest and welfare of the trade.

1407 "Free access to the columns of the Journal by all members, would, perhaps, open up some discussions on matters of general interest that would bring us closer together and make a much stronger organization."

"Then on page 4 of the Hatters Journal for August, 1898, I read from the editorial:

"In making its bow to the trade, the Journal feels that it ought to outline what its mission is. The work of an organization like the United Hatters covers a very large field, and in the semi-annual reports it was impossible to give more than a brief outline of the most important business done in the pre-
1408 vious six months. From these reports no idea of the general work going on could be got, and many of our members felt dissatisfied at what they thought were large expenditures for what was done, then in these reports it was not possible to tell what advance was made in each district, or what efforts they were making to improve trade conditions. And many times Districts are hindered in carrying out necessary reforms by the action of some of the other districts that do not know what is going on, and in their ignorance agree to something that compels the district seeking reform to stop.

In the Journal reports of what is being done by the General Officers will be given monthly. The work of pushing the label and how effective it is will also be given. The efforts the District are making to improve their condition, and the success they are having will be published." 1409

Now I will read further from the same page 4, middle of the third column: "The Secretary's idea of how a journal should be conducted: The following letter expresses the sentiments of the editor so clearly that he feels that it would be wasting time and tempting Providence to write anything further in defining how he intends to manage the Journal.

"'Mr. Editor Yours of the 14th instant to hand. I have no definite ideas as to how the Journal should be conducted. You have no doubt seen a great many of the Journals of other organizations? Some of them are gotten up elaborately and at great expense; others are almost too mean and feeble looking to justify their existence. You will be able to strike a happy medium between the two extremes. The first few issues will necessarily be experimental. Too much must not be looked for at the start. If faults appear they can be promptly remedied. The institution will go and improve with each issue. The officers and members of the local association will have to lend their aid in the way of giving the accidents and incidents and the current gossip of their respective districts. Bills of prices (that most vital and most troublesome thing) could be published when they have been settled. Names of men who go foul or do just as bad or worse could be sent in. Proceedings of meetings, where they would be of interest to the general trade and a hundred and one other little things that I could mention and which are familiar to you, would tend materially to make the Journal attractive and readable, but above all things the label question should predominate. It is growing at a rapid rate. It astonishes me at times what a hold we have on the labor organizations of this country. Make that as strong as you possibly can. Insist on it that our people must associate, fraternize and keep in touch with all labor organizations. Without their aid we are helpless. We are getting their aid, and we are winning. Then, again, do not mince matters in telling our people that they must send delegates to all central bodies, who will be punctual in their attendance, and who will not allow a meeting to pass without saying something about the label." 1410 1411 1412

1413 I skip the last paragraph. It is signed John Phillips. Now I read from page 5 in the same issue of the Journal:

"Our label. Its effectiveness, and the generous support given it by our sister organizations." And I omit the first part. "The great amount of work done by our Secretary is not known to a large majority of our members. Very few of them know that he sends out two or three hundred letters a week to the Labor Unions of this County, calling their attention to foul hats that are being sold in the neighborhood. That these letters have a most convincing effect on union and non union manufacturers will be seen from a few letters
1414 printed here that have been received from dealers and trades unions within the last few days. The firm of Browning, King & Co., of Chicago, Ill., write as follows: 'In reply to your favor of the 14th, which has lain unanswered for some days, we beg to say that while our sympathies are entirely with the association, you can readily see that we are placed to some disadvantages in the premises. We find, however, that with the exception of two styles our spring orders are entirely filled. When these arrive we shall place the matter before the parties named, and shall use our best endeavors to show them our earnest sympathy in your behalf; and it is not entirely
1415 impossible that we may absolutely discontinue doing business with them until such times as matters are properly adjusted. It may be from time to time, that we will be compelled to buy duplicates to a small extent, but assure you it will be confined to orders of no amount, and only to protect ourselves where we are compelled to have absolute duplicates. This we can do without material inconvenience to ourselves and which we shall take pleasure in doing. We have no interest in the parties named, our only desire being to obtain the best goods for the money. At the same time, we feel strongly in sympathy with your organization, and shall lend whatever assist-
1416 ance we can to your benefit. Yours very truly, Browning, King & Co.'"

"Prout & King, of Norwalk, Ohio, sent the following letter 'Until our attention was called to it by you, were not aware that there was any conflict between organized labor and the firm in Philadelphia. Will say that we bought three dozen hats from them for our Spring season just passed. They came to us without any labels. They now have our order for three dozen to be sent at once. As the hats have been made for us we are under obligation to take them. Will say that a large

majority of the hats we sell are strictly union made. We have the Young's and Hawes Agency, and have always refused to buy the Hawes Hat until Raymond, Hawes & Co., became a union shop. Knowing what we do now we shall drop the Philadelphia firm's goods from our stock until they become a union shop. We are willing to co-operate with Union Labor in any way as long as we can fulfill existing obligations— 1417 25

Mr. Beach:

In any fair way this says.

Mr. Merritt:

Right "We are willing to co-operate with union labor in any fair way as long as we can fulfill existing obligations. The local committees have called upon us, and we have explained our position to them. Respectfully, Prout & King." 1418 26

"And this was received from the Clements Co. of Topeka, Kansas ' "In reply to your letter of June 28th, will say that if the firm in Philadelphia are using counterfeit labels in their hats, we have never known it as none were in our hats, but we will not buy hats of any firm who does things of this kind. We are, Yours very truly, The Clements Co." '

The article continues:

"The following unions notified the secretary that they would call on the firms handling non-union hats and inform them if they continued them, union men will go somewhere else when they want to buy hats: Cleveland Pressman's Union, Cleveland, Ohio; Order Railway Conductors, Topeka, Kansas; Allied Printing Trades Council, Chicago, Ill.; Metal Polishers, Buffers, Platers and Brass Workers Union, Toledo, Ohio; Topeka Musical Association, Topeka, Kan.; Carriage and Wagon Workers Union, Cincinnati, Ohio; Detroit Theatrical Union, Detroit, Mich.; Stove Mounters International Union, Local No. 1, Detroit, Mich.; International Association of Machinists, Detroit, Mich.; International Association of Machinists, Denver, Colo.; International Association of Machinists, Elliott, P. O.;Screw Makers Union, Dayton, Ohio; Brotherhood of Railroad Trainmen, Hannibal, Mo. 1419 27 1420 28

"The San Francisco Labor Council sent this notice to the Unions attached to it: " 'Communication was received from the United Hatters of North America stating that K. Meusdorffer & Son, 8 Carney Street, were selling large quantities of scab made hats and requested that members of organized labor when buying hats from Muesdorffer should insist on hats carrying the union label; also inform them that unless they dis-

1421 continued to carry scab hats the patronage of union labor will be withdrawn from them. Request granted and delegates urged to bring the matter to the especial attention of the members of their unions, as by increased agitation and persistent enforcement of the union label, the fight of organized labor for better conditions is very much advanced.' "

"The foregoing list of letters ought to convince some of our sceptacle members that it is the label and not their skill as craftsmen that makes it possible for our organization to protect their rights. It also ought to satisfy that portion of our members who complain because we have not got a large
1422 fund in the treasury, that our money is being invested in the best way possible and that the return is far more profitable than to have the money lying idle in the banks. We are under heavy obligations to our sister unions and no union hatter can consistently sit idly by when there is work to be done that will benefit any organization. We must show that we are not ungrateful in the most convincing way—that is by refusing to purchase any article that is not union made, and where such goods are not on sale, keep persistently calling for them and ask others to do so until we prevail on the dealers to get
1423 them. And where unions have no labels we must use our influence to have their members employed, and induce men of their crafts to join their associations."

Mr. Merritt:

I omit half a column at the end. At the end of this particular journal you see the list of Union labels published.

Now going on to the Journal for September, 1898, you see the same general character in regard to reports from the District, and I read from the third column, page 3. Report of Secretary Haugh of South Norwalk: "How to make the label more effective. "That the adoption of a union label
1424 by the United Hatters has been a benefit to our trade is acknowledged by all our members. Many manufactures admit that they cannot sell hats unless they have the label in them. The advertising of the labl has certainly increased its usefulness. There are still some manufacturers that do not use the label, and they apparently do a very large business. It will not do for us to depend upon people looking under the sweat leather for our union label when they are buying hats. The label is a very good thing, but to get the full benefit of it we must do something more than to advertise it in the labor jour-

nals and not expect too much from our small cards and the large ones that are hung in public places. 1425

"What shall we do to bring those manufacturers that are not under our jurisdiction now into line and in this way protect ourselves from the injury they are doing us? Simply advertising the label will not do it. I am not finding fault with the officers for advertising the labels. They are doing all they can to call the public's attention to it. We must do something to prevent the unfair competition that the manufacuturers who use our label have to meet from the non union manufacturers. My plan would be to select some manufacturer who is doing everything he can to injure us, and who has his work done for almost nothing, and use some of the money that we now pay for advertising and employ a member or two to go through the territory where this manufacturer sells his hats and call on the wholesalers and retailers and the labor unions and request them not to buy scab goods. I believe more good could be done in this way in a year than advertising the label in the papers will do in three years." P. H. Haugh, Secretary of Makers, South Norwalk. He is not a defendant in this case. 1426

"Acknowledgments," from page four of the same: "We feel grateful for the many complimentary things said of the Journal, but we wish to call the attention of local secretaries and others to the important fact that the Journal is not issued for the purpose of giving local officials an opportunity to flatter the vanity of the editor, but to give our members information of the condition of trade in the different districts but to keep them informed of what is being done to improve their conditions as regards wages, employment, etc. Please remember that flattery may swell the editor's head, but it will not fill the columns of the Journal with useful information." 1427

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I now read from page 6 of the same number of the Journal, which is the Journal for September 1898, and I read from the second column an article under the title of "Our Label."

"In the last issue of the Journal we said our members were not aware of the great amount of work that our secretary is doing by corresponding with the labor organizations of the country asking them to help us unionize the unfair factories by calling on the dealers who handle

1429 their hats and asking them to discontinue using them until the firms that make them put a genuine union label in them. We gave letters from both the unions and the dealers showing how effective the work is; but better, even than that showing is the record of sixteen non-union factories made fair in 18 months. Among these factories were several of the largest in the country. At the present time there are four or five of the most prominent non union factories making inquiries to know on what terms their factories will be taken under our jurisdiction. A plan of campaign that can show so many victories is one
1430 that can be relied upon, and best of all it is not expensive when compared with the amount of work done.

"As will be seen from the numerous letters from the unions in reply to letters from our secretary asking them to appoint committees to call on the store keepers selling foul hats and notify them that union men could not patronize any one who deliberately gave assistance to its enemies, every section of the country was covered. This work is done so quietly that a number of our members cannot believe it is effective. They believe that if one or two men were sent on the road to visit the unions and
1431 call on the dealers, asking the one not to buy hats unless the hatters' label was in them and acquainting the others with the unfair way the men who work in foul shops are treated, we would unionize the unfair shops faster than at present.

"One man could not visit more than seven cities in a week, giving one day to a city; and he could not visit more than two or three organizations in a night; and he would be in one section of the country. His expenses would not be less than a thousand dollars a year. It would be impossible for any man to do the effective work that is
1432 now done by our communications, for they reach all sections of the country at the same time. Often the Unions are notified before the goods are shipped, and frequently their committees induce the dealers to countermand the orders. Here are a few of the letters received from dealers since the last issue: West Washington, D. C., August 5th, 1898. Dear Sir: Your letter and circular received and contents noted. Am sorry this has occured and in extenuation can only plead guilty in not knowing or asking about the hats. As these are the first goods we have

ever bought of the firm and we had only ordered two dozen, more as a sample of these goods than anything else, and I can assure you we wish to handle fair hats. We have a letter dated Danbury, August 13th, 1895, from Hat Finishers Association, thanking us for sending hat back that were bought for union and came without the labels. I think this will clear us of the charge of doing anything except as I said at first of being negligent in not being sure they were fair, as I supposed they were. However, we will handle no more of this firm's hats until they are OK. Respectfully yours, A. M. Baer. **1433**

"Cincinnati, Ohio, August 10, 1898. Dear Sir: Your letter of August 8th is received and contents noted. Replying would say that I am entirely in sympathy with union labor and am glad to know that you are pushing the work to such a degree. It is to my interest to sell only union hats, as my business depends largely on union trade. The goods I last ordered from the Philadelphia firm is the first lot for a long time. I was always under the impression that the labels they used were genuine. In your list of non union factories you have not mentioned the John B. Stetson Co. How about that? Please answer and oblige, Yours truly, W. Frank Cady. **1434**

"Saginaw, E. S., Mich., August 16th, 1898. Dear Sir: Your favor pertaining to the union label received, and would state that we do not buy any more hats from the firm you write us about. We have stopped buying goods from them on that account, and will also state that they showed us their line of hats this season; but they are not putting in the label in their hats any more, which their representative stated to us at time of showing goods. Yours respectfully, Heavenrich Bros. & Co. **1435**

"P. S. Hoping this will meet with your approval, we thank you very much.

"Nashville, Tenn., Aug. 8th, 1898. Dear Sir: Your communication of the 4th inst. received, and we are sorry to say we overlooked the union label in buying these hats, and as they are already in work we cannot cancel same; but we assure you in the future our trade will be withdrawn from the house mentioned. Hoping this will satisfy you, we remain, Yours truly, Charles P. Ellis. **1436**

1437 "Letters from Unions in all sections of the country have been received, assuring us of their assistance. Space will not allow us to print them.

"The railroad fare of a representative to these localities would be enormous, and it would be impossible for him to do any better than our letters have done that simply cost the postage on them.

"What is needed, and very badly needed, is for our members in the districts to guard against abuses in the label. Great injury is done us by the carelessness of label stewards. Let hatters see that our label laws are com-

1438 plied with in shops and districts, and it will not be long before the non-union shops will apply for the label."

I will read from the Journal for October, 1898, from the report of Stringer White Secretary of the Newark makers on page 2, and I only read the last paragraph: "A few years ago we had a foul shop in this district that had a capacity from a hundred to a hundred and fifty dozen a day, and it was the boast of the firm that they did not have any use for fair men or the label. But times have changed wonderfully since our new organization came into existence. The general demand for the label

1439 has driven this firm completely out of business, and by the time these lines appear in print the firm of Wheeler and Russell will have ceased to exist and the factory will be closed. This firm is not the only one that feels the need of the label, and if they didn't have ladies hats to work on there isn't any doubt but that some more of them would go under."

And I will read just five lines from the report of Secretary Stillpflug from Orange, which appears on page 3 of the same Journal under the head of Orange: "At the

1440 last regular meeting meeting Sule was suspended from membership for deceiving the trade in registering his son in a fair shop and then taking him into a non-union shop to teach him."

And then a few lines from the report of J. H. Penrose, Secretary, of the Philadelphia Makers, on page 3. "We are determined that Philadelphia as a hatting center shall be in the front ranks and that all shops shall be under the laws of the National Association, and the label placed in all hats made here.

Then I read from page 4 of the October Journal, 1898: "Supplied free, labor papers and labor literature, apply to the secretary. Mr. Editor there are a few copies of the directory of union hat manufacturers for the 1898 on hand and in possession of the National Secretary. Also a few copies of the last semi annual report. Persons wishing to procure copies can do so by sending their address to the National Secretary. The semi-annual reports will not be issued in phamphlet form until further notice. They will appear in the Journal. A new issue of the constitution and by-laws is in the printers' hands and will be ready for distribution in a few weeks. The book will contain all of the amendments and changes which have been made in the constitution, by-laws and label laws up to date. Local secretaries and others who may require copies can procure them as soon as the book is ready for distribution by making their wants known. It has been the custom of the National Secretary to send all of the labor papers, phamphlets, etc. which he receives to the local and national officers, directors, etc. If any of the members of the association would like to be placed on the mailing list they have only to send their address to the national secretary. Local and National Officers, directors and all members of the trade who can use any of the advertising matter connected with the label can have it in unlimited quantities by making their wants known to the undersigned. John Phillips 477 Park Ave., Brooklyn."

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And then on page 7 I read from an article entitled "Our Label." "Another factory has been added to the union list during the month. It is another tribute to the effectiveness of the label. When the campaign began there were a number of our own people who thought it was a mistake to center the fight on this firm. The result proved that no mistake was made and that the power of the label was not under estimated. A District that was once one of the foremost in the union, and one in which many valient efforts were made to resist infringements on the rights of journeymen hatters is now reaping the benefit of its steadfastness to principle. The assertion that our label is only effective on cheap goods is also refuted. The following letter will show that no non-union firm can escape from the wide reaching influence of

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1445 the label. 'Butte, Montana, Aug. 20th, 1898. Some time in the month of June a traveling salesman of the John B. Stetson Hat Co. called on me and asked me to tell him the reason that he could not sell one dollar's worth of hats in this city. Of course, I told him that I supposed it was on account of the firm he represented being unfair to union labor. Well he went on to tell me that his firm paid better wages than any other firm in the United States and so on. I said to him that if he had any troubles and wished to tell them for the sake of having them righted that the better way was for him to write or call on you.
1446 I intimated to him that you would tell him the reason in full that the John B. Stetson Co. was boycotted. He also told me that this was the only town in America that was not handling his goods. He also informed me that heretofore he used to sell from seven to ten thousand dollars worth of hats in each trip that he came to Butte. I told him then that the next time he came to town I would be better posted on the company's history and why their product was boycotted. If you will kindly give me the particulars of the boycott I will tell this gentleman when he next calls. When I mentioned your name he said he
1447 did not want to have anything to do with you fellows back there. Then I said 'I think that you are in the wrong place to settle this trouble, for we are nothing but miners out here, so it is with the United Hatters, you or your company will have to settle this trouble. If you don't settle with them the longer you will be without so many dollars worth of goods in this town. Hoping to hear from you soon on this matter, and with my best wishes for you and your organization, I remain fraternally yours.'

Next I am going to read from the Journal of December 1898, and from the minutes of the proceedings of the
1448 Board of Directors of the United Hatters, which appears on page 3.

"Wednesday November 9th, 1898. The meeting was called to order by Vice-President Lawlor. The following directors were present: Messrs. Leigh, Kavaganah, Barrett, Maher, Callanan, Scully, Scalley, McGinty, Byron. The national officers were also present:"

I will read just two short extracts:

Mr. Geo. A. Ely of South Norwalk appealed from the action of the Norwalk Finishers Association in fin-

ing him $50 for working foul in a shop in Stamford. Mo- 1449
tion made that the appeal be referred to the Norwalk Association. Motion carried.

Further on in the minutes of the same meeting: 'After a lengthy discussion the following motion was offered 'That when it becomes necessary to supply fair bosses with the amount of labor necessary for the proper conduct of their business, the local association shall call our members out of any foul shop in which they may be working in order to supply the demand.' Motion carried."

I then read from the Journal for January, 1899, from 1450
page 2, James Loughridge, Secretary, reports from Chicago, and I read from one part of his report:

"One gentleman (?) in the East was willing to accept a position with the firm either fair or foul; another a silk hatter, but not a member of this organization shopped to take charge of the curling department. When informed he must have a card, after the trouble was settled he came to us and cooly asked for a check as he had a chance for a good thing; and was greatly disappointed that we did not write him out one then and there. Another was a registered apprentice who had left the shop of his own 1451
accord some time previous to the trouble. He turned in and curled some hats. His excuse was that he did not think the trade would regain control of the shop, so he thought he would not be doing much harm. His name has since been stricken from the roll.

And then the semi annual report of the officers of the United Hatters of North America appears on page 5 of this same Journal.

From the address of the President I am just going to read one extract.

"The label is doing all that we could reasonably ex- 1452
pect. The great power of and the large demand for our label has enabled us within the last six months to unionize three large factories, two of them being the factories of Frank Schobel & Co. of Philadelphia and Dickerson & Brown of Brooklyn."

The 1891 Convention, Page 48.

Mr. Mulholland:

That is objected to, if the court please. That is nine years before.

1453 Mr. Merritt:

Just to show that this American Federation of Labor when it was formed was formed for the purpose of boycotting among other purposes and at that time it embodied in its constitution a provision for boycott. That it has ever since had a provision for boycott in it, and that it has ever since been engaged in boycotting. That prior to the time the United Hatters became a part of it in 1896 it was engaged in boycotting, so that they have not only been doing such boycotting, but have secured agents in watching boycotts and that they did use all these for

1454 boycotting prior to that time. Now here is the resolution—

The Court:

For that purpose we will receive it. Don't read too much and take too much time.

Mr. Mulholland:

Exception:

Mr. Merritt:

This is the resolution from the Convention of the American Federation of Labor in 1891, referring to this concern F. Schobel & Co.:

1455 Mr. Merritt:

"Whereas the firm of F. Schobel & Co., Hatters of Philadelphia have discharged their union employees and will not acceed to union rules, and has decline all offers of arbitration, therefore be it

"Resolved that this Convention of the A. F. of L. recommend to all its affiliated organizations and members of trade and labor societies to not purchase any hats made by the said firm of F. Schobel & Co. Adopted."

Now I turn to the advertising and would like to point it out to the jury on this page.

1456 Mr. Merritt:

Just showing the officers and report of the secretary as to funds received. Financial report of expense; list of apprentices since last semi-annual report was issued; list of Secretaries of the different locals, and I think we better read a list or two so that the jury will know how this organization is made up.

Mr. Mulholland:

What year are you reading?

Mr. Merritt: **1457**

1898.

Mr. Mulholland:

We object to 1898 as having no effect upon the condition in 1902.

The Court:

It may be received for the purpose stated by plaintiff.

Mr. Mulholland:

Exception:

Mr. Merritt:

"Bethel makers, Martin Lawlor, Bethel Conn.; Bethel Finishers, William P. Bailey, Box 243, Bethel, Conn.; **1458** Bloomfield Makers, Martin Hockstuhl, 12 Cross Street, Bloomfield, N. J.; Bloomfield Finishers, Frank Foster; 49 Grace Street, Bloomfield, N. J.; Boston Makers, William C. Hennelly; Boston Finishers, Charles Morris; Brooklyn Makers, John A. Kavanagh; Brooklyn Finishers, George J. Phillips; Chicago Finishers, James Loughridge; Danbury Makers, P. H. Connelly; Danbury Finishers, H. C. Shalvoy; Hamilton Finishers, Robert Dow, Hamilton, Ont.; Milburn Finishers, Edwin C. Smith, Short Hills, N. J.; Newark Makers, Stringer White; Newark Finishers, F. B. Shalvoy; Norwalk Makers, P. H. Haugh; Norwalk **1459** Finishers, J. W. Sculley; Orange Association, L. Stellpflug; Philadelphia Makers, James H. Penrose; Philadelphia Finishers, T. D. McCarthy; St. Louis Finishers, S. C. Bacon; Yonkers Finishers, R. H. Lowe; then there is a list of journeymen and apprentices in the different districts. Notices showing when the different local associations have their regular meetings, and on the last page the Label Gallery as before.

Mr. Merritt:

I now turn to the Journal for March, 1899, and read from page 2, from the report of Michael J. Golden, Sec- **1460** retary of the South Norwalk Makers: "We all agree that the label is one of the most powerful instruments that the United Hatters ever discovered and by concentrating the necessary pressure on such people there could be a glorious victory won. It would teach some one a lesson, but so long as men forget their own interests what can be expected?"

I go back a little further and read: "Why should any factory be allowed the use of the label that employs

1461 such men or why should our union permit such infringements on its rights. I say any manufacturer employing non-union men should not be permitted to use the label. We all agree, etc."

There is a good deal more. Then on page 5 of the same Journal under the head of cases settled by correspondence, signed by John Phillips, Secretary: "Mr. William Barclay of the Danbury District was not granted a card. The total vote of the Board was in the negative. In accordance with the law in such cases $20.00 was returned to the applicant out of the application fee 1462 of $25.00 which he paid at the date of his application."

And then I read from page 7 of the same Journal. This is a letter entitled "Bethel answers McDonough," signed by Geo. F. Carroll, Bethel, Conn. "And all fair minded men who have watched closely the work of our national officers must admit that they are working faithfully to advance the interests of all districts alike and they are untiring in the efforts to bring the foul shops which he refers to under the jurisdiction of our association."

1 Then I begin with the Journal for April 1899, and 1463 read from page 6 second column:

This is an extract from the meeting of the Executive Board, "502 Parke Avenue Brooklyn, N. Y., February 27th, 1899. Morning Session. Meeting was called to order by President Moffitt. Chair stated reasons why he called meeting. The call was approved of. The first business taken up was the case of a manufacturer in Philadelphia. It was alleged that he had recently bought a quantity of hats that had been sized in a non-union factory (Sizing is one of the early processes), and as he was 1 using the union label it was decided that if the allega- 1464 tions were true the label should be taken out of the factory. After considerable discussion of the case it was decided that Treasurer Moore have full power to make an investigation, and that the whole matter be referred to him.

"The next case was that of a Brooklyn manufacturing who was using the label and had, it was alleged been handling hats in the rough that had passed through the hands of a dealer who was not friendly to union labor or union hats. On motion it was decided that the national president and the Secretary of the Labor Committee of

the Brooklyn District should visit the shop at once and make an investigation and report at the afternoon session. 1465 73

"The case of a hat manufacturer in the City of New York and who runs a fair shop had been charged with buying large numbers of hats that had been sized in a foul shop, was next considered. After all the evidence in the case had been presented and the matter had been discussed, a motion was made to refer the case to the Label Committee of the Brooklyn District with full power. The motion was carried." I should state that what I have read was from page 5, rather than from page 6. "The Board then took a recess." 1466 74

I further read from the minutes on page 6:

"The practice which had prevailed for some time of certain firms who run union factories and made stiff hats exclusively, buying soft hats from non union firms and selling them side by side with the product of their own factories, and in some cases representing the soft hats as being union made, was considered by the Board. A motion was made that the Secretary be instructed to write to a certain union concern and inquire as to the truth or falsity of the rumors which were afloat in connection with their handling the product of a certain non-union firm. 1467 5 Motion carried. Minutes signed John A. Moffitt, President, Martin Lawlor, Vice-President, John Phillips Secretary, Edward Moore, Treasurer, Orange, New Jersey, March 16th, 1899."

Then comes the Journal for May, 1899. I read from first column on page 3 entitled "Our Agents on the Road.

"We have our agents in every city town and hamlet in the country advertising the commodity we sell which is or labor. In some localities we find no difficulty in getting the trade to deal in our brand of goods exclusively—union label. In other places where the principle the 1468 6 label stands for is not so well understood, we through our agents are getting the consumers to give our brand a trial, and from the orders that are coming in from these localities we are convinced that in a season or two we will sell far more of our goods than our buckeye and sweat shop competitors.

"Unfortunately for us some of our agents to whom we pay commissions far in excess of the value of the labor they perform (manufacturers using the union label) carry

1469 a line of goods made by foul concerns, and sell them on our reputation. When asked why some of the hats have the union label in them and there is none in the others, the answer usually is, Oh, they don't put labels in soft hats nor in some of the cheap grades of stiff hats. We have in preparation a plan to protect our interests from the injury these foulers of Annanias are doing us. Our agents in the labor organization are a faithful and energetic set of men. These agents are underpaid—in fact, in most cases they do their work from a sense of duty, it is largely through their efforts that our brand of goods is the
1470 best known in the market. We ask the stockholders in our company,—the members of our union—to use influence with their friends to patronize the goods made by the companies these agents are members of. Through this mutual assistance we can displace our foul and sweat shop competitors, and perhaps we can soon dispense with the dishonest agents and share the commissions we are now compelled to pay them among our shareholders."

Mr. Beach:

You say agents in all towns, hamlets and cities in the country; that means manufacturers using union
1471 labor.

Mr. Merritt:

I wondered what it did mean. I think it means that.

The Court:

We will adourn until two o'clock.

Afternoon Session, 2 P. M.

Mr. Merritt:

Now in the Hatters Journal for July, 1899, I am going to read from pages 6 and 7, extracts from the semi-annual report of the officers of the United Hatters of North America: "Address of the President; to the Officers and Members of the
1472 United Hatters of North America: Gentlemen, the demand for our label is on the increase, and this is almost solely owing to the support given to it by the organized labor of the country. Manufacturers who run non-union or foul factories have admitted that they could sell more hats if they had the label as it is almost impossible to sell hats without it in some parts of the country. I am pleased to inform you that while the counterfeiter is still at work we have him very nearly pounded out of existence, as the reports coming in show a falling off of at least 75% as to what they previously were. It gives me much pleas-

ure at this time to congratulate the label stewards of the various districts for the attention and careful manner in which the label was distributed as I have received but very few complaints. I am fully satisfied that the stewards have acted in distributing the label as requested by me in my last report. 1473

"The label is doing all that we could reasonably expect. The large demand for our label has enabled us within the last six months to unionize the factory of Brennan & Carr at Orange, N. J.

"Your Executive Board has also received an application from the Pioneer Hat Company of Wabash, Ind., which they have under consideration at the present time, to unionize their factory, and at once. This factory has at work at the present time fifty-four makers and about sixty finishers. You see by this that if our label is properly protected by our members it will be the cause ultimately of forcing all the foul shops to become unionized." 1474

I now turn to the Journal for August, 1899, and read from page 3, under the head of "Official:

"Victory! We win again. The Hawes $3.00 hat that was formerly made by E. A. Mallory & Sons, is now made by the new firm of Hawes Von Gal & Co. of Danbury, Conn. This is one more victory for the label. Don't neglect to let your friends in other trades know that the celebrated Hawes $3.00 hat is now union made." 1475

Mr. Merritt:

That was August I was reading from. I read from page 6 of the Journal for August, from the minutes of the General Executive Board held at Danbury, July 20, 1899:

"President Moffitt in the chair, Messrs. Lawler, Phillips and Maher were present. Motion made that we decide that any factory with which any non union manufacturer is connected at present or may be connected in the future shall not have the use of the union label. Motion carried. 1476

"Motion made that on the strength of the reports of the Committee that visited Fall River recently, we decide that if the factories with which a certain non-union manufacturer is now connected do not sever said connection on or before August 15, 1899, the label shall be removed from said factory. Motion carried."

Now I go on to the Journal for October, 1899, the commencement of the Berg trouble and I read from page 4. "As we go to press a serious difficulty was inaugurated in Orange,

1477 a difficulty that will be and is the forerunner of what we have all dreaded so long—whitewash. The men at F. Berg & Co.'s were forced on strike, and as the firm is a rich one, we can expect a long fight; and the only way we can fight it will be to organize labor throughout the country. A Statement was prepared by President Moffitt and handed out to the local press. We produce it in order that the men in the other districts may know the cause that led to the turnout."

And this is the statement: "The strikers' statement. John A. Moffitt, President of the United Hatters of North America, who is taking charge of the strike, which he insists is not tech-
1478 nically a strike at all, made the following statement this morning of the causes which led to the strike and of the demands made by the men: " 'For some years the United Hatters of North America have had a surplus of labor, particularly in the district of Orange, which is an integral part of their organization. Twelve months ago there was a committee appointed by the United Hatters to see if there could not be some means devised whereby the unemployed members of the organization could be employed. The Committee reported at the general organization after giving the matter serious attention for many months, that the solution of that problem would be to reduce
1479 the hours of labor of our members already employed.

"A resolution was submitted to the general organization by the committee that fifty-five hours would constitute a week's work for members of the organization. The resolution was adopted by the organization and became one of its laws. The manufacturers running union factories in the Orange District, which are under the jurisdiction of the United Hatters of North America, were notified of the passage of said resolution three months prior to its going into effect, in order to give the manufacturers ample time to arrange to comply with the resolution.

"Four months after the law was put into effect by the
1480 organization the fair manufacturers entered a protest to the officers of the organization that we were assisting the non-union manufacturers in the progress of their business by allowing the members of our organization to work in those non-union factories all day on Saturday, and from sixteen to eighteen hours on Friday, when these manufacturers made the major portion of their shipments. The contention of the fair manufacturers was that by allowing the members of our organization to work the hours above mentioned and not granting

them the same rights, they were being treated unfairly and unjustly. **1481**

"The reasons advanced by the fair manufacturers to show that they were being treated unfairly and unjustly included the following:

"By allowing members of the union to work long hours in non-union factories it enabled the non-union manufacturers to get out what is called their sample cases, and be working on their duplicate orders many weeks before the fair or union manufacturers had their sample cases gotten out, and when the salesmen of such union factories went on the road to secure duplicate orders there would be none to be had; as above stated **1482** the non-union manufacturer by getting out his sample cases in advance had received all the duplicate orders to be had, and, therefore, kept the non-union factories busy pretty near all the year around, while the union factories were practically closed down and the members of the United Hatters who worked in such union factories were walking the streets with no employment to be had, while the men in the non-union factories, as before stated, were continually working.

"The organization after considering the seriousness of this question decided to compel our members in non-union factories to observe the laws adopted by the organization, namely the **1483** fifty-five hours a week, or half a day on Saturday. The local Executive Board of the United Hatters of Orange which is constituted of the four officers, President, Vice-President, Secretary and Treasurer, were instructed by their organization to enforce this law in the non-union factories where our members were employed, which they took steps to do, and after notifying the members of our organization in these factories that they were obliged to live up to our laws, not only did the members of the United Hatters of Orange who worked in the Berg factory, which numbered about seventy-eight men in the finishing department, stopped work work to enforce the law, but **1484** so also did some one hundred and twenty men who were not members of the organization stop work to assist the enforcement of the law.

"A number of these non-union men were prior to 1896 members of the Hat Finishers' Association of the District of Orange, and for certain violations of the trade rules at that time, were voted outside the breastworks of the organization, but in consideration of their assistance to our organization in attempting to enforce the fifty-five hour law, our organization

1485 reinstated them for a nominal initiation fee. There are a number of men employed in the Berg factory who never belonged to any hatter's union and as they assisted in attempting to enforce the law, their names will be submitted by the Orange Association to the General Board of Directors for cards of membership, as said Board of Directors are the only ones in authority under the laws of the organization to grant cards to men who were never before members of the organization. The Board of Directors will meet tomorrow when they will take action on the applications of all men recommended by the local association."

1486 Mr. Merritt:

I read from the third column of page one, Journal for November, 1899, under the head of "United Hatters of Orange."

"Orange, October 25. This city is now undergoing one of the biggest and hardest fights that the hatters have ever undertaken. All the hatting districts of the country have their eyes turned in this direction, waiting to see what the results will be. Nothing is being left undone to win, and the appeals for financial assistance that have been sent out were re-

1487 sponded to at once, and continue to flow into the Orange treasury as fast as is needed. There have been practically no desertions from the ranks of our people; and one good thing, there is plenty of work in the district for all those who came out of Berg's, and so there is no destitution, as there usually is as a result of strikes.

"Berg's have no one else than themselves to blame for the trouble, and no doubt would not have had any trouble if it was not for their arbitrary and dictatorial manner in conducting their business. When the United Hatters of Orange decided that all of their men should abide by the 55-hour law irrespec-

1488 tive of where they were employed, and on September 22 the 78 fair men walked out, followed by nearly a hundred of the men who did not hold cards, the Bergs resented this, and gave orders that no fair men should remain in the shop six weeks hence. The Orange association thought it about time to act. It was decided that it would be better to 'all hang together than to hang singly,' so after he had discharged three or four men who were active workers in the association the shop's crew came out, followed by all but 31 men, whose names will be found on pages of the Journal until they come out or Berg goes fair. As it happened, a meeting of the Board of Directors

was convened the 27th of September, and after the call for the meeting was read and accepted President Moffitt invited the full board to go out to Orange and inquire into the causes that led up to the strike. The board accepted the invitation, and after a two days' session decided to endorse the strike, and appointed Directors Maher, Byrne, McCarthy and Byron to act with President Moffitt, the National Committee in conjunction with the Local Committee who had the strike in charge. 1489

"One of the first rumors that reached strike headquarters was that the Hebrew hatters, known as the United Hatters of America, were in conference with the Bergs, and had agreed to place 150 of their men in Berg's shop. President Moffitt at once saw the necessity of putting himself in communication with their officers, and a meeting was arranged for Sunday, October 1, in Newark. After a long consultation the National Board were successful in bringing about an amicable agreement whereby the United Hatters of North America would admit all the members of the United Hatters of America to membership in our Union, and in return for that they would prevent and stop any of their men from going into Berg's and would turn over the plate for the label that was used by them in New York, together with the copyright and such labels as they might have on hand, and also the books of the association containing the names of their members. After this was done and an agreement drawn up and signed by President Moffitt for the United Hatters of North America, and Joseph Barondess representing the United Hatters of America, the real hard work began. There were fully a thousand men in Essex County, N. J., had to be taken up individually and examined by the board and granted cards to. In a few cases men who never worked at the trade at all got checks; but this was to be expected, and after the battle is over all those men will be weeded out. 1490 1491

"In the meantime the Orange Local Committee was doing heroic work under the direction of President Savage, Treasurer Harrigan and Secretary Stelpflug. Every means of approach to the factory was manned, and there were but few got into the factory without being first seen by the Local Committee. If a man came along and was determined to go in, the committee escorted him as far as the door of the factory and wished him good luck, but there were so few cases of this kind that it's not worth mentioning. 1492

1493 "Men and boys came from up in New York State, over from Pennsylvania and from all parts of Jersey in answer to Berg's advertisements, only to be met by the committee on the grounds, and when the matter was explained to them they at once left town at the expense of the committee.

"One of the worst scares the men got was from Fall River, Mass. The Pohasett Hat Works in that city shut down recently, and Bergs knowing this sent agents down there and brought up two batches of men. In the first group there were eight, and in the next batch sixteen came. He smuggled the eight men into the factory and made them prisoners with the
1494 aid of John Gregory, a man that runs a private detective agency in Essex County. Two of the men finally escaped and applied to the Local Committee and were well taken care of.

"The second batch that came up, fourteen out of the sixteen were taken from Bergs' agents and detectives on the piers in New York and brought out to Orange by the committee, who gave them a swell time and finally put them back on the same boat they came up on and sent them back home. This had the effect of closing the only labor port open to the Bergs, and their next move was to hire a padrone as an agent, and he managed to get about sixty rag-pickers, shoe-blacks and
1495 sewer men and boys to take the places of the men who went out, and the 31 scabs who remained in the shop are trying to teach them the trade.

"Too much praise cannot be bestowed upon the National and Local officers, from President Moffitt down. It has been constant work both day and night for all hands concerned, and it will continue so until the end of the trouble. The battle is won today so far as we are concerned.

"One commendable thing about the strike is that there has not been an arrest in connection with the strike, and the only trouble that we have had has been caused by Gregory and his
1496 men, assisted by the Bergs. Everything was done by the Bergs to incite the men to acts of violence, but they were unsuccessful.

"Now as to trade in other shops."

There is just a paragraph of that, and I won't take time to read it.

Now I will read a few lines from the proceedings on page 3 of this same Journal, of the meeting of the Board of Directors of the United Hatters of North America, 85 East Fourth Street, New York, September 27, 1899. Vice-president Law-

lor in the chair. There were also present James P. Maher, Charles J. Barrett, John A. Moffitt, T. D. McCarthy and others. 1497

"The president of the Local association made a statement giving the board a detailed account of the existing trouble." That is, the Berg trouble. "The National President took the floor and reviewed the situation, going back to the inception of the trouble, and giving the board a lengthy account of the causes which had led up to the present trouble.

"Motion that the action of the Orange association in the present trouble be sustained and that we do all in our power to assist them. Motion carried unanimously." 1498

I should have called your attention to page 2 after I read the longer statement, which is headed "Roll of Dishonor," containing a large list of names.

"The above are the names of men who remained in the Berg's shop and are at present engaged in the delightful occupation of instructing the Italian rag-pickers and sewer men employed by the Bergs. As the men in all the districts are interested in this Orange trouble it is only fair that they should know who the traitors are. If by chance any of these men come out before our next issue of the Journal, their names will be taken out and a black bar substituted. Otherwise the list will stand." 1499

I now read from page 4 of the same number of the Journal.

"Our members no doubt are anxious as to the outcome of the trouble in Orange. We can assure them that everything is all right. The men who we took out of Bergs have had all that they want of that firm. The manner in which they were treated for the past five years convinces them that the promises of the Bergs are like water on a duck's back. When the strike of 1894 occurred the Bergs used all kinds of promises in order to break the ranks of the strikers and in many instances were successful with their offers of large and guaranteed salaries. But how long did it last? As soon as the trouble was declared off did they live up to any of their promises? No. The men who have sold themselves into slavery, for slavery it was, were soon shown that they had no more respect for them than if they were so many dogs, and it is an admitted fact that when trade was good the Bergs had no use for the men who stood by them when the strike of 1894 occurred. With the large means at hand they were able to get some of the 1500

1501 best fair men in the trade, and then the poor fools who sold themselves were driven to the wall. Nothing would suit from them. Dozen after dozen would come back. The fair men were all right then, but just as soon as trade slacked off, then the fair men would be told to walk and the foul men would be the ones. So there is no danger of our men going back to work for the Bergs. Five years was enough."

I will read also from page 5, minutes of the Board of Directors of the United Hatters:

"Saturday, September 30, 1899."

1502 "An appeal was read from G. A. Manitz, who was fined $500 by the Hat Makers' Association of Danbury, Conn."

And further down.

"Charles Sterner, formerly a member of Newark Hat Makers' Association, presented a petition to the board asking that a fine of $999.99 which was imposed upon him by said association be reduced."

Now I turn to the Journal for December, 1899, on page 2, under the heading "Orange-General," and I will read.

"Orange, N. J., November 24, 1899. Never in the history of the trade, say old time hatters, has a strike been more

1503 stubbornly fought than the present one against the Bergs. After a nine weeks' battle the firm are no nearer the goal than they were when they first started. In fact, there has been a succession of points lost by them all through the game. In the beginning the Berg Company had the pick of the trade of Orange, and with their assistance their goods were marketable at all times and it was known as a 350 day shop, running over time for many nights in the year. In very busy times they shipped from 80 to 100 cases a day. Today they have one-sixth of their usual number of men, and one-quarter of these, it is said, are not men who get any of the fine work in case there

1504 was no trouble in the shop. All the old workmen who came out have been distributed among the Orange shops, down in Newark, and a few have gone to other districts; and shipments of cases have dropped from the above figures to sixteen to twenty cases per day. The young men and boys who went in there to learn the trade when the strike began find that the alluring promises of the Bergs that they would be able to make from $12 to $18 per week as soon as they had mastered the trade, was not so, and now of the twenty-five or more who came out during the past month, none of them will give the Bergs credit for telling the truth. In fact, they all say that they

were tricked and found it very hard to make enough to pay 1505
their board. Nearly all of those who came out were from out of town, and the strike committee had to pay their passage to their homes. Many of them declared that they did not receive what they did earn, and money was held back from them for various causes when they were off."

I will skip the next paragraph.

"At one time there was a danger that several other shops would be involved in the Berg trouble, but happily every one has settled to the satisfaction of all concerned. The first trouble occurred in the shop of Austin & Drew's in Orange. Their shop adjoins the Berg shop, and the firm were accused of 1506
doing work for Berg. Three times in about four weeks they were caught, and then patience ceased to be a virtue, and National and Local boards decided to call out the entire shop's crew and confiscate the label. This had the effect of bringing the firm to terms. They at once asked for a conference, and they entered into an agreement whereby their would be no repetition of their previous actions, and then the boards decided to put the men back to work and restore the label.

"In the second case it was found that the Volk Hat Co. of South Norwalk were handling the Berg hats along with their stiff hats, and their salesmen were taking orders for soft 1507
hats and the hats were made in the Berg shop. The firm was notified to stop it several times, but evidently did not, as the board was obliged to take the same action as in the Austin & Drew case, with the same results. The firm made haste to have a conference, and said if the label was taken away for good they might as well shut up shop. The National officers settled with the firm on a promise that they would handle no more Berg hats."

I will read from page 5 of the same Journal, which says:

"We also have visited several retailers in reference to the product of F. Berg & Co. and have met with considerable suc- 1508
cess, and if certain firms here violate promises made to our board they will find themselves under the ban of the United Hatters."

I turn to the Journal for January, 1900, and I read first under the heading of "News from the Districts" on page 1, an extract from the report of James Loughridge, secretary of the Chicago district.

"The Continental Clothing Co., Milwaukee and Ashland avenues have agreed not to purchase any hats from Berg &

1509 Co., Orange, N. J., until such time as Berg settles with the Hatters' Union. Members can show their appreciation by patronizing them when in need of anything in their line."

Then on page 2, report from M. J. Golden, secretary of the Makers in South Norwalk.

"Trade in the district of South Norwalk is very good just now. The only shut down we had was Thanksgiving week, when the greater number of factories closed down to take inventory. A very important discovery was made by the National Executive Board in relation to Volk & Co. doing business with Berg & Co. It seems that Volk & Co. was selling the
1510 Berg soft hat in connection with their own production, and leading their customers to believe that the label was used only for stiff hats. After the matter was discovered, two of our National officers, Mr. Lawlor and Mr. Maher, came to South Norwalk and laid the case before the Local Executive Board. They stated that the Volk Company was doing business with Berg & Co., and by so doing was helping one of the greatest enemies of fair labor to win a victory from the United Hatters of North America. A majority of the Local Executive Board decided to leave it in the hands of the National Executive Board. We having full confidence in the statements made
1511 by the National Committee, and knowing a vigorous measure was necessary at the time, the only thing that could be done was to take the label from the Volk factory, and if that action was not sufficient to bring terms of peace, then the last means would have been resorted to. That is to say, the help would have been called out, but to evade the situation, the Volk Company shut down their factory. They claimed that they would not do business without the label. They promised to sever their business relations with Berg & Co. as soon as possible. I would say on behalf of the National Committee that they came several
1512 times to Norwalk on the Volk case and showed great patience, consulting the local officer and using all diplomacy to bring about a peaceful settlement of the strained relations between the Volk Hat Co. and the United Hatters of North America. When the National Executive Board came to Norwalk and discussed the matter with the local officers pro and con, it was decided that the two directors from the district, Mr. Haugh and Mr. Sculley, wait on Mr. Volk and take his statement. Mr. Volk claimed that he was through doing business with Berg and Co., and wished to get the label placed back in his factory. Mr. Haugh and Mr. Sculley waited on the National

Executive Committee and submitted Mr. Volk's statement. **1513**
There was a meeting of the Local Executive Board called. Mr. Haugh and Mr. Sculley stated the conditions that the Volk Company would receive the label. The conditions were accepted by the Local Executive Board, and the label restored to the factory. We are all glad that we have no manufacturer in the district of South Norwalk helping Berg & Co. If we have, and we find it out, we will attend to their case."

Now on page 4 of the Journal for January, 1900.

"The following resolutions were introduced by our delegates to the Nineteenth Annual Convention of the American Federation of Labor, held in Detroit, Mich., December 11 to **1514**
20th, and it was pleasing to see that they were at once approved of by the convention. The proceedings show that many others of a like nature were referred to committees and subsequently reported upon."

"Resolution No. 51. By Delegates Maher and Sculley:

"Whereas, the United Hatters of North America are at the present time engaged in a strike of large proportions at the factory of F. Berg & Co. Orange, N. J., for the recognition of their Union, and for Union conditions, and

"Whereas, this strike has now lasted about two months, and it is of vital importance not only to the hatters' organiza- **1515**
tion but also to organized labor in general, that the United Hatters of North America should be victorious in the fight which they are making for the existence of their union; and

"Whereas, the United Hatters of North America have never refused to give assistance, financially and otherwise, to their brethren who have asked for it; therefore be it

"Resolved, that this convention hereby endorses and approves of the course pursued by the United Hatters of North America in their present fight against the wealthy concern that has declared that it will never recognize any labor union.

"Resolved, that we call upon the international, national **1516**
and local unions affiliated with the American Federation of Labor to give assistance to the United Hatters of North America in the unequal fight which they are at present so manfully making against wrong and oppression, by refusing to patronize any dealer or dealers who handle the product of non-union hatters, and more particularly the product of the firm of F. Berg & Co., of Orange, N. J.

"Adopted."

1517 I now read from the report of the president of the United Hatters of North America appearing on page 6 and 7 of this Journal for January, 1900.

"Address of the president.

"To the officers and members of the United Hatters of North America.

"Gentlemen: In submitting this, my report to you, I desire to call your attention to many important things that have occurred in our organization during the past 6 months. The effect that they will have on our future welfare depends to a great extent upon what action we may take to remove the cause
1518 of the things that have injured us, and we should exert ourselves to take advantage of those that have proved to be beneficial.

"The condition of the trade for the past six months, particularly in the stiff hat districts, was not all that we could wish for, as many of our members were not steadily employed. But, from the present outlook and from the reports received by your executive board from different parts of the country, we have assurance of a good spring trade, and if such should be the case, we expect that the local executive boards of the various districts will see to it that our members receive adequate pay for the
1519 work performed by them.

"The receipts from the one-half of one per cent assessment for the last six months show an increase of over eleven hundred dollars over the corresponding period of last year, and an increase of nearly thirteen hundred dollars over the six months ending May 31, 1899."

I will skip a paragraph.

"The expenses of your national organization for the six months ending December 1st have been exceptionally heavy, for the reason that two large donations were made (aggregating $1500) to assist in carrying on the fight for justice and
1520 right in the district of Orange and Reading, Pa.

"For several months past it was suggested to your general executive board by several local districts to put a man on the road in the New England States advertising our union label, and your executive board decided to act upon said suggestion, although it entailed considerable expense, and they appointed Director Morris of Boston to do this work, but after a short time Mr. Morris was taken ill, and your executive board substituted Mr. William Hennelly of Boston to carry on the work started by Mr. Morris, and I desire to state that the re-

ports sent in by Mr. Hennelly as to the results of his work are most gratifying." **1521**

"The label still continues to do its work. The demand for it is greater now than it ever has been before in its history. From the power of the label we have been enabled to unionize within the last six months three large factories in the district of Newark, namely, Parmlee & Co., who employ sixty makers and eighty finishers; Stern & Co., who employ sixteen makers and twenty-two finishers; and Nathan Goodman, thirty makers and twenty-four finishers. This statement of fact shows that by unionizing the above named factories employment has been given to 231 members of our organization." **1522**

"I desire to call the attention of our members to the fact that the American Federation of Labor in convention assembled in Detroit, Mich., on the 13th of December, passed resolutions endorsing the fight of the United Hatters of North America against the firm of F. Berg & Co., and pledging themselves to assist the hatters as far as possible in their fight against said firm.

"The General Executive Board of the Knights of Labor have also taken up our fight against Berg & Co., and those two great national labor bodies are now assisting us in our present struggle. **1523**

"In conclusion I desire to thank the local associations for adopting the two per cent assessment to assist in carrying on this fight. While the amount received to date from said assessment has not been what was expected from it, I am very thankful and feel very grateful for the amounts already received to carry on the work. Fraternally yours, John A. Moffitt, President."

Now I turn to the Journal for February, 1900.

"Principle at stake.

"The fight of the United Hatters against F. Berg & Co., of Orange, N. J., should receive the support of all friends of organized labor. **1524**

"Clear statement of the case.

"United Hatters of Orange, N. J., under the jurisdiction of United Hatters of North America.

"To the friends of Organized Labor:

"Fifteen weeks ago the union hatters employed by the non-union hatting firm of F. Berg & Co., of Orange, N. J., began a strike to compel that firm to obey the State law, which makes fifty-five hours a legal week's work in factories, and to

1525 recognize the rules and regulations of the United Hatters of North America. Previous to that time the conditions in the Berg factory had become so intolerable that no selfrespecting man could put up with them. Berg & Co. and one other firm were and are the only manufacturers in Orange who refuse to obey the State law. Weekly hands in the Berg factory were compelled to work nights and Sunday for bare living wages, and the methods adopted by the firm for getting the most possible out of its employees for the least money, made conditions in the factory little better than slavery.

"For years Berg & Co. have boasted of their enmity to
1526 labor organizations, and have declared that they would never recognize union laws or principles. In place of the union men who left their employ, the firm has employed people of the lowest type, many of whom were recruited from the sewer trenches under contract with a padrone. With a handful of non-union hatters as instructors these sewer laborers and bootblacks are being taught the hatting trade, and it is the product of such labor that Berg & Co. will now offer for sale in the American markets.

"Early in the strike (which is still in force) Berg & Co. employed private detectives to patrol the streets in the vicinity
1527 of the factory, and when this failed to cause disorder, the firm complained to the courts that the strikers were violating the law by interfering with the firm's business and with public travel. The grand jury investigated the charges, paid a visit to the factory, and the following is an extract from their finding:

" 'We take great pleasure in saying that the employees in this case have conducted themselves as law-abiding citizens should, and that there has not been any breach of the peace on their part. The good order maintained in the city of Orange during this strike reflects credit alike on the authorities and on
1528 the parties interested.'

"The fight now being conducted by the United Hatters against Berg & Co. is one for principle and for the recognition of the union, and to assist in making the struggle successful the United Hatters call upon union workmen and the friends of union labor every where to refuse to buy or sell hats bearing the name of Berg & Co., or their trademark 'Greb & Co.' The firm is backed by millions of capital, and it is only by showing them the strength of organized labor that they can be brought to respect the laws of their State and the union principles

for which the United Hatters of North America are fighting. **1529**

"Richard Savage, president. William Booth, vice-president. Louis Stelpflug, secretary. John Horrigan, treasurer. Officers of the United Hatters of Orange, N. J."

Another report from James Loughridge, secretary, which appears on page 2 of this same Journal:

"Vice-president Lawlor has been here (in Chicago) visiting the firms handling the Berg hat, and left for Kansas City last night."

And then on page 3 of the same Journal.

"United Hatters.

"Orange, January 25. Day after day the situation in **1530** this district looks brighter in the eyes of those who have the strike in charge. Never in its whole history have the officers both National and local felt so encouraged as to what the outcome would be. When a visitor goes to Orange headquarters at any time now he is met by a joyful committee, and before he leaves he is assured that nothing is being left undone to make the strike a sure winner. Not that there was at any time any neglect on their part, but recent actions taken by the strike committee and sanctioned by the G. E. B. has given a new life to the work of the committee.

"The two per cent assessment levied on all districts in **1531** support of the Orange trouble has given the committee money sufficient to put six agents on the road in different parts of the country, and while they have only been out less than a month, the reports that are coming in are very gratifying, and all these reports are verified by certain indications that are observable around the Berg factory from day to day. There is positive proof that some of the largest jobbers in the country have canceled large orders to the Berg people, and a further demonstration is that day after day the firm is having cases of goods returned to them. The men employed in the finishing rooms are only working about half time, and perhaps less than **1532** that. They are seen going to the shop at a late hour in the morning and leave early in the afternoon, so that what work is done amounts to very little. It is hinted that they are only in the shop for a bluff.

"For some time past the Italian sewer laborers, whom the firm have in the plank shop, have been stumping in bodies, and the wonder was who were doing the plank work for them. A little investigation on the part of the committee disclosed the fact that 7 Buckeye wagons were calling at the shop every

1 1533 day, and were delivering from 12 to 24 dozen of the finished stumps to the firm and would take away another weigh-out, to be returned the next day. It did not take the committee long to find out that all this work was being finished up by men who in many cases should have been members of the United Hatters, but had drifted away from the trade and had hidden themselves away back up on the mountains. Some of them had been up there for years, and probably come out once or twice a year, have what they called a good time, and then returned. It was determined by the committee that an effort must be made to get these men out. Emissaries were sent out,

1 1534 and in a few days from fifty to sixty of them came down to strike headquarters, were given their cards, and were otherwise provided for. This appeared to be a severe blow to the Bergs, as two-thirds of his forming machines were at once shut down, and his sewer gang have been short of work ever since. So, between the work of the agents throughout the country and the good work being done at home, we may look for a surrender at any time now.

"Letters from our agents are very gratifying, and while it might be thought that they are fighting Berg & Company alone for us, this is not so. Agent Edward McClintock, writ-

1 1535 ing from a certain point in the south says: 'There are very few Berg hats sold here. They are mostly Stetson hats, and when I told the members of more than twenty labor organizations that the Stetson hat was a scab hat, they opened their eyes in amazement. Committees were at once appointed to visit every retail hatter in town and notify them to get union hats.' In conclusion he said that 'Too much praise could not be given to organized labor of the south for the good work that they had done for the hatters. Many of the towns and cities I have visited knew nothing of the label.' Director McCarthy makes the same report. So does Vice-president Lawlor, who is

1 1536 travelling through the west and southwest. It is too early to hear anything from Director Byrnes yet, but we shall have good news from California for the next issue. Director Morris in the east is working steadily, and is sending in good reports of the missionary work he is doing in his section. The other agents are just going to work at this writing, and their good work will be felt in a few days.

"National President Moffitt reports that he has received and turned over to the committee over six thousand dollars up

to date as a result of the two per cent assessment, all of which is being used in conducting the strike on the above lines." **1537**

I read from page 4 of the same Journal.

"The strike that has been going on in Orange for the past four months will live in the memory of the United Hatters of North America as long as that body exists for many reasons. One of them is that it is going to establish the permanency of our label, and will forever, it is hoped, stop all further need of going to the politician and begging of him to give us further label protection. Again, it will not be necessary for us to appeal to the courts to enforce those laws that are on the statutes of more than forty states of the Union. And why, because **1538** the consumer, the hat wearer, will do what the politician has been asked to do—and done begrudgingly—demand a union label hat—and what the courts don't like to do—enforce the laws, when labor is determined in the enforcement of any law that they are interested in. Another good and valid reason is that there is many sections of this country of seventy million people that knew nothing of our label, and are now being enlightened by our agents, and when they get through with the work that was assigned to them, there will be but few people among the laboring classes who will not have heard of our label. And you can depend upon it that the demand from the **1539** consumer will be felt by all union shops, and the other fellows will get left. We have the eyes of every manufacturer of hats in the country upon the work of our organization, and when this strike is a success we can depend upon it that those who are outside the ranks will endeavor to get in or they will shut shop, so await patiently for the results that must surely come very shortly, and when it is all over then take one side or another."

I turn to the Journal for March, 1900, and read first a paragraph from the report of James Loughridge, secretary, which appears on page 2.

1540

"The action of the national officers in sending out representatives to appeal personally and ask the cooperation of the organized workers of the country to bring about a settlement of the Berg trouble is commended generally by the labor leaders here, as the best results have always followed similar action by the different unions of this city, and among other trades the miners especially can be depended upon to do their utmost to lend a helping hand, and with the great growth of the demand for union-made goods, which becomes more evident

1 1541 every day to us of the label league, we cannot help but win out from Berg or any one else that refuses to treat with their employees as intellignt beings with the right to live."

Then from the same page:

"Orange United Hatters.

"Orange, N. J., Sept. 25, 1900. When a visitor called at the strike headquarters on the above date, he found the entire committee actively at work hitting the Bergs another good solid blow, and although it was Sunday it did not seem to make any difference. Sub-committee after sub-committee were hurried here and there, and in a few minutes were back again to
1 1542 report. The activity displayed by all concerned led the visitor to make some inquiries, with the result that he was told that the committee had received orders to send down to Newark as many trimmers as they could possibly get. One shop wanted thirty-five, another would take twenty-five, two or three more would find room for as many as would come. The Newark manufacturers promised steady work at good prices. The committee at once put themselves in touch with the trimmers of Berg's, and found that quite a number were willing to leave and go down to Newark. So this was the cause of the activity of the committee. It was stated that they had secured the con-
1 1543 sent of about twenty or twenty-five before eight o'clock that night. The committees, both of the national and local, feel confident of a sure victory. They base this prediction on the indications that are observable and from the information received from the seven agents who are out on the road.

"President Moffitt said that it was almost impossible to send any news to the readers of the Journal, as his time was completely taken up in directing the movements of our missionaries on the road, but he desired to say to the Journal readers and members of the trade that the committee in charge of the strike had decided to change the policy in conducting the strike,
1 1544 and would henceforth appeal direct to the consumers throughout the land to purchase none but hats bearing the union label, and with this object in view he had placed the following named members of our organization on the road to do this work: Director James Byrne at San Francisco; Director T. D. McCarthy at New Orleans; Edward McClintock, Louisville, Ky.; Daniel McGrath, St. Paul, Minn.; Daniel Brady, Ohio, and upper Pennsylvania; Vice-president Lawlor, in Missouri, Nebraska and Colorado; and William Hennelly, New England States.

"Agent McClintock discovered a retailer of hats in Louis- **1545**
ville, Ky., selling hats that contained a counterfeit label. He at once notified President Moffitt, who wired him to engage counsel and prosecute the offender at once. The label is being registered in every state in the Union as the agents pass through them.

"Director Byrne succeeded in ridding San Francisco of all scab made hats, and the organiaztion, seventy-two in number in a population of three hundred thousand people, has promised that they will be sure and keep them out for all time in the future.

"In conclusion President Moffitt said that the reports com- **1546**
ing in every day from the agents do more to inspire the local committee to renewed work than anything else, as all are confident of a victory now. He desires to extend his personal thanks to our local organizations for the grand way in which they respond weekly with their money to carry on this great struggle."

"End of hat strike seems to be near.

"One of the Bergs attends a conference of labor men in St. Louis and makes admissions.

"Although it was five months ago Thursday that the United Hatters of America in the employ of the non-union **1547**
hatting firm of F. Berg & Co. of Orange went on a strike because of that firm's violation of union and State laws, and the organization began its long fight to compel the millionaire manufacturers to recognize the union, the fight is being prosecuted with as much vigor as at any time since the beginning, and the national officers are confident that the end of the struggle cannot be a great way off.

"President John A. Moffitt of the International Organization of the United Hatters yesterday received a telegram from Vice-president Lawlor, who is in St. Louis, telling of a conference in that city Thursday night, which indicates that the **1548**
Bergs are at least considering a settlement of the strike. It is the first time since the fight began that a member of the firm has even agreed to a conference on the subject of the strike, and is important for the reason that up to that time all the members of the firm had persistently denied that they knew anything of the strike being in existence.

"The conference was held in the office of Rothschild Brothers, one of the largest firms of hat dealers in America, and one of the Berg's best customers. Fred Berg, Jr., who has

1549 been on the road for ten days, was present, as was a committee from the Building Trade Council and the Central Labor Union of that city, and Vice-president Lawlor of the United Hatters. The conference lasted until midnight, and Berg is said to have intimated his willingness to have the strike settled by surrender to the union, but said he could not take such action until he consulted with others. Rothschild Brothers have declared that they will not handle any more Berg hats until the fight with the union is settled.

"Surrender is never mentioned or considered by the union officers and men, who declare that the strike will be continued
1550 indefinitely. Money continues to come in from hatters' organizations all over the country for the support of the fight, and the strength shown by the union has amazed labor leaders and organizations whose offers of assistance have been politely refused."

Here is just a short editorial from the same number of the Journal, March, 1900:

"The Berg strike is now entering the fifth month and if we believed what the Bergs said we could expect to fight them indefinitely, but we know that the firm is sick of the whole busi-
1551 ness and as soon as their salesmen come home we can expect a change. If there is not, we will be very much surprised, as the reports from our agents lead us to think that Mr. Berg will come home with anything but a pocket full of orders."

Then I turn to the Journal for April, 1900, and I read from page 4 a short paragraph:

"The label can only be made strong and perpetuated by the continued methods that are now used, that is, through liberal personal agitation and generous advertising. Therefore it will be necessary to provide for a special tax to keep men on the road all the time."

Mr. Merritt:

1552 Then I turn to the journal for May, and I read the report of Charles Morris, Secretary of the Boston Finishers, on page 1.

"Boston, April 21." I will skip a few lines. "I was pleased to read the article published in the last issue of Journal from the Newark district, stating label shops in that district had been busier than the past few season at the same period of the year. And I can readily see it is by the agitation for label goods being done by our representatives on the road. My reasons for so believing is that in the last two weeks I have had

occasion to visit three large jobbing houses in this city. One **1553**
on receipt of a message from our National President, and the others at request of the jobbers themselves. These jobbers complain they have been unable of late to sell to their retail trade the product of a certain non-union factory, but upon them telling these retailers that they will not send them any goods manufactured by this certain firm, the retailer has informed them they cannot buy any goods from their houses so long as they handle goods coming from that factory. And the result has been that these three jobbers have promised our representative that they will not buy any more goods from the factory named if our agents will withdraw their name from the **1554**
list of dealers handling this article. In two of these houses union made goods have replaced those formally sold. And if this agitation is kept up I believe many a person who has never heard of a hatters' union will see to it that he purchases in the future nothing but a hat bearing a label of the United Hatters of North America."

Then I read from the report of "Orange General" on page 1, May Journal, 1900.

"The report of the Grievance Committee was read in reference to action to be taken in connection with a certain brand of hats, to discuss which the body went into executive **1555**
session the afternoon before. That committee offered the following resolutions which were adopted:

"'That a committee of five delegates from Atlanta be appointed by the President of this convention to cooperate with the United Hatters of North America in performing work in Atlanta desired by that organization, at the request of Representative McCarthy of the Hatters, and that this committee be empowered to act without delay.'

"The President then appointed the following committee: Jerome Jones, Willis Golden, Mike Riley, H. F. McGowan and W. M. Strauss. The committee retired and drafted the follow- **1556**
ing form of a telegram which was sent to every hatter in Atlanta:

"'The State Federation of Labor, in convention assembled in Augusta, request and advise that you withdraw your orders from Berg & Co. until a committee from this convention representing the entire labor organization of the State waits upon you. We ask this in the name of fairness and justice.'

1557 "The above is a portion of the work transacted at the second day meeting of the State Federation of Trades meeting of Georgia, and was published in the Augusta Chronicle, April 20. (Ed.)"

I now go on to June, 1900, of the Journal.

Mr. Merritt:

Now I read from the Journal of June, 1900. This is a condensed report of the proceedings of the second convention of the United Hatters. The Philadelphia contest and action thereon. Extracts from President's address. Important laws passed at the convention."

1558 I will read extracts from the President's address as they appear in this Journal, some of them, beginning on page 6.

Mr. Merritt:

I won't read all of the extracts.

"In his address the President dwelt on the causes that led up to the strike, its progress and the vast amount of good it had resulted in in throwing work into the numerous fair shops, both in Orange and Newark, that the Bergs formerly did."

This refers to the Berg strike. I won't bother to read the introductory matter.

"He referred to the missionaries that were sent out to the 1559 different selling ponts throughout the country to advertise the label, and he said 'the missionaries had only been out but a short time when the beneficial results of their work could be seen in the increase of orders to the fair shops, which were working to their fullest capacity, while the non-union factories were practically at a standstill.'"

And then later in the proceedings of the same convention I read as follows, beginning on page 6.

"When the meeting opened on the following Monday morning the committee on President's address reported the following:

1560 "'In view of the splendid results so far accomplished in the fight against the firm of F. Berg & Co., your committee heartily recommend that the convention endorse the action taken in that struggle by the general executive board and board of directors, and recommend the continuance of the fight until such time as the firm of F. Berg & Co. shall sue for peace, and to make an unconditional surrender to the United Hatters of North America.'

"The paper was voted on by yeas and nays. All the delegates voted in the affirmative.

"The same committee reported several papers in addition. **1561**
The first condemned the action of the Philadelphia association for going to the courts for adjudication of its troubles, when such action is against the fundamental principles of organized labor; also condemned the sending out of agents with a view of disrupting the association.

"In another they recommended that at least six agents be kept on the road all the time booming the label, and that provision for the payment of the agents be made by the convention."

Then on page 8 of the same Journal, report of the convention proceedings:

"The following resolution was offered and adopted unanimously: **1562**

" 'Resolved, that we, the United Hatters, in convention assembled, endorse the union labels now in use by the general trades, and we recommend that our members make an effort to create a general demand for the same in their respective districts, and be it

" 'Resolved, that delegates to the next convention be debarred from a seat in the convention unless their shoes, clothes and hats bear a union label.' "

"Before closing, the convention passed the following reso- **1563**
lutions unanimously:

" 'Whereas, the United Hatters of Orange, N. J., have for the past nine months been engaged in a vigorous struggle to enforce the law of New Jersey relating to the hours of labor; and

" 'Whereas, their efforts have been met by determined opposition from the firm of F. Berg & Co.; and

" 'Whereas, the conduct of the United Hatters of Orange, N. J., during this struggle has been such as to gain for them an unsolicited recommendation from the Grand Jury of Essex County; therefore be it

" 'Resolved, that the United Hatters of North America **1564**
in convention assembled do hereby express our admiration for the noble stand taken by our brothers in Orange, N. J.; and be it further

" 'Resolved that we heartily approve of every action taken by them in their efforts to secure to themselves and their fellow workers in the state of New Jersey the benefits accorded them by the laws of that state; and be it further

1565 "'Resolved, that we pledge to them our continued support until the firm of F. Berg & Co. agree to observe the laws of the state and the rules of this association.'"

Then on page 9, under the heading of "Orange General."

"Orange, N. J., May 29. As near as can be learned the situation in Orange has not changed any. The strikers are just as confident as ever of winning, and the Bergs are making all kinds of a show in an effort to mislead their customers. Rumor has it that certain matters will transpire within a few weeks
1566 that will end the strike, so far as a part of the firm is concerned."

The death claims come in there, and then follows the roll of dishonor, giving the names of that list of men referred to.

Now I read from page 5 of the September Journal for 1900.

"Reports of Officers. Semi-annual reports of the officers of the United Hatters of North America.

"As a result of the delay in change of editors and place of printing and the subsequent transfer of effects of the Jour-
1567 nal referred to elsewhere, a lot of official matter as well as some reports have accumulated, and as all official matters, reports, etc., should be printed in this issue and the semi-annual reports must be printed, the President has cut out his usual address and refers all members of the trade and readers of the Journal to his address to convention May 10, 1900 (found in pages 287 to 312 inclusive of proceedings of convention) for an expression of his ideas relative to the welfare of the organization. The only addition or alteration that could be made would be to state that Berg & Co. have acknowledged themselves beaten and made terms with the executive board,
1568 and that Meyer, Mercy & Company, of Newark, (the large concern referred to in the President's address) have turned their large factories fair without—" I suppose that means "without dispute or contest."

Mr. Mulholland:

I take it so.

Mr. Merritt:

"And that unfortunately we are involved in a difficulty with Connett & Co. of Orange, the outcome of which cannot be foretold at this writing, but which, from present indications and information, will be readily settled. Full information as

to terms, conditions, etc., of settlement in the Berg & Co. and Mercy & Co. cases and also the latest referring to the Connett matter will be put out in next issue." 1569

I now turn to the Journal for October, 1900, and I read from page 5.

"Proceedings of General Executive Board, Groveland Hotel, Danbury, Conn., October 6, 1900.

"The Board met on the above date. All of the members were present.

"Motion made that an effort be made to have an interview with a certain hat manufacturing firm. Motion carried.

"The interview took place. 1570

"Afternoon Session.

"The Board met at two o'clock.

"Motion made that two men be sent out on the road on general agitation of the union label. Motion carried.

"Motion made that Messrs. William Hennelly and T. D. McCarthy be appointed. Motion carried.

"Motion made that their compensation be the same as the other agents were granted by the convention. Motion carried.

"On motion it was decided that the National Secretary should direct the movements of the agents, and that they should send in weekly reports of places visited and work done; 1571 the Secretary to supply them with necessary funds.

"It was also decided that the agents should send in itemized lists of their expenditures to the Secretary, and that he should forward them to the Treasurer, who should present said lists to the General Executive Board at its meetings.

"It was decided that the two agents above mentioned should, if possible, start out on Monday, October 15, 1900."

Recess fifteen minutes.

Mr. Merritt:

I now read from the Journal for November, 1900, page 1, under the head of "Danbury." 1572

"This district is undergoing the usual depression of trade peculiar to this season of the year. The only occurrence of any importance was the unionizing of the large factories of E. A. Mallory & Sons. This most gratifying event was the result of somewhat lengthy but amicable negotiations between first the National officers and finally the local executive boards and the members of the firm."

"The terms of settlement are liberal and were not only satisfactory to Messrs. Mallory, but decidedly advantageous

1573 to the trade. No new cards were granted. Several men who went foul in 1893 were reinstated upon the payment of fines of from one hundred dollars to two hundred and fifty dollars, and a number who were in arrears, were compelled to pay up. All fines and arrearages were paid in full and immediately, and as a result all in the shops have clear checks and the treasuries of the local associations are several thousand dollars stronger."

Then in the Journal for December, 1900, I read from page 2 at the bottom of the first column from the minutes of the General Executive Board.

1574 "Letters and reports which had been received from W. C. Hennelly, one of the agents on the road, were read. The work of Mr. Hennelly was approved of.

"Afternoon Session."

"Treasurer Maher made a statement to the Board concerning some work in which he was engaged. It was decided that he should continue on the same lines, and get more details, if possible, and report back to the Board."

I will say to the court that some of these references will perhaps appear more intelligibly later on.

Mr. Merritt:

1575 This reference of Mr. Maher's is to his visit to Mr. Loewe concerning the unionizing of the Loewe factory.

"Meeting of the General Executive Board, December 1, 1900."

"Treasurer Maher gave the Board some information in reference to an interview that took place between him and a certain manufacturer.

"Motion made that the matter be referred to the President with full power. Motion carried.

"Reports financial and otherwise were received from the

1576 agents on the road (Messrs. McCarthy and Hennelly). Motion made that the reports be received and approved of."

I now turn to the Journal for January, 1901, and I read from page 1, from the report of President John A. Moffitt, dated February 1st, 1901.

"To the officers and members of the United Hatters of North America."

"The financial condition of our organization, both Local and National, was never better than it is at the present time, and I am pleased to inform you that from the grand sum that

can be realized upon in very short notice we are prepared for any emergency that may arise. 1577

"The demand for our label is simply phenomenal, and this is solely owing to the agitation being carried on by our agents on the road and the support given it by organized labor of the land.

"From the great power of and through the demand for our label, we were enabled within the past six months to unionize more than twenty non-union factories, amongst which are some of the largest hat factories in the country, to-wit: Berg & Co. of Orange, who employ between seven and eight hundred hands, makers and finishers; E. V. Connett & Co., who 1578 employ a like number; C. B. Rutran & Co., who employ about two hundred and fifty makers and finishers; Meyer, Mercy & Co., of Newark, two factories, employs five hundred hands, makers and finishers; I. M. Hedden of Newark, two factories; Boutiller & Carr; Delay's Union Hat Works; the Newark Hat Co., Goodman & Co., Kridell, and a number of smaller shops, all in the Newark district. Meyer & Co., Empire Hat Works at Wabash, Indiana (Chicago district), and E. A. Mallory & Sons, Danbury. We are also negotiating at the writing of this report for the unionizing of two other large non-union factories. It can readily be seen from the foregoing that our 1579 label is a powerful instrument, and in order to have it retain its present strength I would urgently request of our members to be ever watchful and careful in the distributing of the label, thereby giving to it that protection it so richly deserves."

Skipping on to this point:

"I desire to inform you of the successful termination of our great struggle at Orange, N. J., on the 10th day of September, last, when the factory of F. Berg & Co. was finally unionized; and two weeks later the large factory of E. V. Connett & Co. As I said before, in my report, those factories give employment to some twelve or thirteen hundred of our 1580 members, who are continually employed every working day in the year. These factories are working to their fullest capacity, and in the making department of E. V. Connett & Co. there is a large scarcity of help."

I now take up the Journal for February, 1901, and I read from page 4.

"James P. Maher's resolution.

"At the recent convention of the American Federation of Labor held in Louisville, Ky., the following resolution was

1581 introduced by delegate James P. Maher, and after an interesting and at times a decidedly animated, discussion, was adopted:

"On resolution No. 165. By Delegate James P. Maher:

"Whereas, the hat factory of James Marshall of Fall River, Mass., is known to be the foulest factory in the country, and has done more to injure the United Hatters of North America than all of the other foul factories, by substituting foreign women to do the work of men in the manufacture of hats; and

1582 "Whereas, the authorities in Washington, D. C., have for the past three years seen fit to place all orders for hats to be worn by the United States soldiers with the said foul factory of James Marshall of Fall River, Mass., despite the protests and entreaties of the United Hatters of North America; therefore be it

"Resolved, that the American Federation of Labor, in convention assembled, disapprove of the course pursued by the authorities in Washington in the placing of the orders for army hats with James Marshall of Fall River, and that we emphatically protest against the placing of future army orders for hats with said or any other non-union concern; further

1583 "Resolved, that the incoming executive council be instructed to insist on having the government orders for army hats placed in a union factory, and they bear the union label of the United Hatters of North America.

"Mr. Maher, as a member of the general executive board of the United Hatters, is thoroughly familiar with the subject matter of the resolution, and no one knows better than he the injury done the trade by the Marshall factories, and methods, and the injustice of placing government orders with such a concern.

1584 "If the executive council of the A. F. of L. sees fit to take energetic action in the case, they will not only receive the cooperation and aid of the United Hatters, but the thanks of organized labor in the eastern states."

I now turn to the Journal for April, 1901, and I read first from page 1, report of the Secretary of South Norwalk, who was at that time the defendant Scully:

"I believe that the United Hatters of North America never was better organized or stronger financially, with generals capable of out manoeuvering any of their opponents in the struggle for supremacy. It is only a few months ago since

we demonstrated that the United Hatters of North America was a powerful organization, capable of bringing millionaires to terms of peace." 1585

I read from page 3 of the Journal for April, 1901, under the heading of "Danbury Makers," and signed by B. H. Connelly, Secretary.

"A committe from the Ceneral Labor Union was given the privilege of the floor. They came in the interest of the clerks union which has recently been organized here. After listening to the remarks of the committee, the meeting voted that each member in the future when making a purchase shall insist on the clerk showing his union card, and if the clerk 1586 is not a member of his union the purchaser shall ask him to become a member or he will not allow him to wait on him in the future. This is an organization all hatters should help build up in all parts of the country. By having the clerks organized they will at all times favor the union made article instead of the non union."

Then I turn to page 4 of the same Journal and read under the heading "Official."

"Meeting of General Executive Board, 177 Main Street, Danbury, Conn., March 5, 1901.

"The Board met on the above date at 8 P. M., all members present." 1587 That included the National officers, John A. Moffitt, Martin Lawler, John Phillip and James P. Maher.

"The question of taking some action in reference to a non union hat manufacturer was considered. Action was deferred for the present."

Then further down:

"The Board took a recess at 1 P. M. The afternoon session was mainly taken up with an interview between the Board and a certain non union manufacturer in reference to the unionizing of the factory."

That I will show later was in reference to an interview 1588 between the General Executive Board and Mr. Loewe.

I am going to read now from page 6, the end of an article signed by John Phillip.

"Great is the power of the union label and great is the assistance that it has received and is constantly receiving from organized labor.

"To organized labor we extend our most sincere and heartfelt thanks, and earnestly hope that they will continue to support the Hatters Union label with the same unflag-

1589 ging zeal that has characterized them in the past, until by their efforts there will not be a non union hat factory in this broad land of ours. Yours fraternally, John Phillip."

I now turn to the Journal for May, 1901, and read from page 4.

"At a regular meeting of the Danbury Hat Makers Association, held April 4, 1901, Daniel P. Kelly was elected a member of the Board of Directors to fill the vacancy caused by the resignation by John Gaffney."

1590 Then I want to read from the minutes of the Board of Directors for April 9, 1901, appearing on page 4 also.

"Motion made that the appeal of George Sconeld from the action of the Brooklyn Hat Makers Association in fining him five hundred dollars for going foul in their district be taken up. Motion carried. All of the papers in the case were read. Statements were made by Messrs. Dugan, Hennelly, Gill and Barrett."

"Motion made that the fine be reduced to one hundred dollars. Amendment that it be reduced to two hundred and fifty dollars, fifty dollars to be paid down, and the

1591 remainder to be collected on ten per cent. of his earnings."

"Amendment to the amendment that the fine be reduced to one hundred and fifty dollars to be collected in the manner specified in the amendment. The amendment to the amendment was lost by a vote of three in the affirmative to six in the negative. The amendment was lost by a vote of four in the affirmative to five in the negative. The motion was carried."

Now we get to the Roeloff matter appearing for the first time in the Journal for June, 1901, and I shall read

1592 from page 2 under the heading of "Philadelphia."

"The condition of trade in this district is not very promising just now. We would advise all jours to stay away from this district for the present. The condition at the Roeloff factory is as follows:

"Five weeks ago the Union Hatters employed by the non union hatting firm of Henry H. Roeloff & Co. of Philadelphia, Pa. began a strike to compel that firm to recognize the rules and regulations of the United Hatters of North America. Previous to that time the conditions in the Roeloff factory had become so intolerable

that no self-respecting man could put up with them. 1593
Henry H. Roeloff & Co. and one other firm were and are the only hat manufacturers in Philadelphia who refuse to recognize the union. Weekly hands in the Roeloff factory were compelled to work nights and all day Saturday for bare living wages, and the methods adopted by the firm for getting the most possible out of its employes for the least money made conditions in the factory a little better than slavery.

"For years Roeloff & Co. have boasted of their enmity to labor organizations and have declared that they would never recognize union laws or principles. In place 1594
of the union men who left their employ the firm has employed people of the lowest type, many of whom were recruited from the sewer trenches. With a handful of non union hatters as instructors, these sewer laborers and bootblacks are being taught the hatting trade, and it is the product of such labor that Henry H. Roeloff & Co. will now offer for sale in the American markets.

"The fight now being conducted by the United Hatters against Roeloff & Co. is one for principle and for the recognition of the union, and to assist in making the struggle successful the United Hatters call upon union work- 1595
men and the friends of union labor everywhere to refuse to buy or sell hats bearing the name of Henry H. Roeloff & Co. The firm is backed by millions of capital, and it is only by showing them the strength of organized labor that they can be brought to respect union principles for which the United Hatters of North America are fighting.

Patrick Lynch, Frank Birch, M. F. Murphy, Frederick Miller."

Page 3 of the same Journal, from the minutes of the Board of Directors held at University Settlement Build- 1596
ing, corner of Rivington and Eldridge Streets, New York, May 3, 1901:

"Louis Amato was fined two hundred dollars for having gone foul. The terms of payment to be as follows:

"Twenty five dollars to be the first payment, and the remainder at the rate of ten per cent. of weekly earnings."

1597 Mr. Merritt:

On page 4 of the same Journal:

"Gone foul.

"The following named persons have recently gone foul at Roeloff's factory at Philadelphia: John Hickey, maker. T. Greenberg, finisher. Martin Murphy, maker. Sheridan Hemsicker, finisher."

On page 6 of this same Journal: there we find the unfair list of the American Federation of Labor.

"We don't patronize.

1598 "Union workingmen and working women and sympathizers with labor have refused to purchase articles produced by the following firms,—Labor papers please copy:"

You can see the list of firms without my reading them, and the different states which they cover. (Showing same to the jury.)

Mr. Merritt:

From the Journal for July, 1901, I want to read on page 5 an extract from the meeting of the General Executive Board held in Brooklyn, N. Y.

"The Secretary laid before the Board some correspondence which he had had with a union firm in refer-
1599 ence to the selling of non union goods on commission by manufacturers of union goods. The Board was of the opinion that such business was detrimental to the welfare of the United Hatters of North America, and that on and after January 1, 1902 the union label would not be granted to any concern that would sell the product of non union factories.

"The Board then adjourned."

Then in the July, 1901 Journal, on page 7, I find again the unfair list of the American Federation of Labor.

1600 I now turn to the Journal for August, 1901, on page 1 appears the report of officers. President's report.

"To the officers and members of the United Hatters of North America."

I will skip the first part.

"In the middle of April I was petitioned by Locals 18 and 19 of Philadelphia to call a meeting of the Board of Directors to have them take some action in regard to a strike which was then, and is still, in vogue in the factory of Henry H. Roeloff & Co. Committees from Locals 18 and 19, together with a committee from Roe-

loff's shop's crew, made statements to the Board of Directors which caused said Board to take the following action: **1601**

"To refer the whole matter to the General Executive Board with full power to assist Locals 18 and 19 in their fight against the aforesaid non union concern. On the 7th of May the Executive Board held a meeting at Philadelphia and had several conferences with Mr. Roeloff, but could arrive at no satisfactory agreement. It was thereupon decided by your Executive Board to fight the battle to a successful termination, and place your President in charge to direct the movements, the same as **1602** was done by him in fights of a like nature. In my opinion it would be unwise at this time to say anything of the present status of the strike, as present indications show that the end is not far distant. Our agents are out working and their labors are confined to the northwest, Minnesota in particular. We also have men working in the following places: Ohio, Illinois, Indiana, Iowa, Massachusetts, California and Texas."

I now pass on to the Journal for September, 1901, and I read from a report from M. F. Murphy of the Philadelphia makers, which begins on page 1. The part I read **1603** is the last paragraph of the report on page 2.

"The strike at Henry H. Roeloff's and Co.'s is still going on under the able management of President Moffitt, and from the reports of the agents on the road, we expect to hear of the capitulation of this firm in the near future."

Now coming to the Journal for November 1901, I will read first from page 2.

"William C. Hennelly, agent of the United Hatters, is still in the West advertising our label and boycotting the scab concern of Henry Roeloff & Co. of Philadelphia, **1604** Pa. A letter received from him from Superior, Wis., states he is meeting with good success in that locality and expects to leave there for Fargo, North Dakota, this week."

Mr. Mulholland:

I take it that our objection also goes to the quotation as well, and our exception.

1605 Mr. Merritt:

I don't claim that as proof of the fact in this instance, we have plenty of proof of those facts before we get through, but I do claim it as a matter relating to the publication of these operations whereby it might come to the attention of these various defendants.

Mr. Merritt:

On page 5 of the Journal for November, 1901.

"What Hatters are Doing."

This is re-printed from the Chicago Union Labor Advocate, and offered for the same purpose.

1606 "The employees of the hat manufacturing firm of Henry H. Roeloff & Co. Philadelphia, one of the largest non-union concerns in the country, about five months ago began a strike against the conditions existing in the factory.

"They appealed to the officers of the United Hatters of North America to help them carry on the fight, and the strike has been carried on under the able management of John A. Moffitt, international president of the organization. There are at present traveling business agents covering the states of Ohio, Illinois, Indiana, Iowa,
1607 Minnesota, Texas, California, and also some of the New England states. The returns are very encouraging and an early capitulation of Mr. Roeloff is looked for. The Yeoman hat is manufactured in this factory."

I now take up the Journal for January 1902, and I read from page 2.

"President John A. Moffit.

"There is no better or more conscientious advocate of union principles today than John A. Moffitt, president of the United Hatters of North America. When the International Hat Makers and Hat Finishers Associations
1608 were merged into the United Hatters of North America, Mr. Moffitt was chosen first vice-president. Upon the retirement of Edward Barrett of South Norwalk from the national presidency, he by virtue of the law succeeded Mr. Barrett to fill the vacancy. Assuming the duties of office, he went to work with incessant zeal and a grim determination to better the condition of the members of his craft. The progress that the hatter's organization has made under his wise and judicious guidance is phenomenal. He had charge of the destinies of the organization when it

was engaged in that memorial struggle with Berg & Co. At the time it was thought by many that an impossible task was undertaken by the hatters and nothing but defeat could be expected. But Mr. Moffitt marshalling his forces, not only brought Berg & Co. to terms, but a number of other firms as well. He is now directing affairs in the strike with Roeloff & Co., and it is only a question of time when Mr. Moffitt will be able to add another victory to the many won by the hatters. Being a young and progressive man Mr. Moffitt represents the perfect type of the modern labor leader." 1609 7

Now I read from page 7. 1610 8

"Hatters Representative Here.

"Daniel P. Kelly of Danbury, Conn., paid the Union Record a pleasant visit during the week. He is a travelling representative of the United Hatters of North America, and is in Seattle in his official capacity. Mr. Kelly is a hustler, and has called upon several unions every night since his arrival, and it is his intention to visit every union in the city if he possibly can during the time allotted to him here. There is a lesson in Mr. Kelly's visit which all union men would do well to heed. His sole duty in travelling through the country is to push the use of the Hatters' label. The United Hatters of North America number only about six thousand members, yet it is one of the strongest financially, and one of the most progressive on the continent. Early in the struggle for right conditions of labor the hatters decided to adopt a symbol of their trade and make the public understand that it stood for something." 1611)

Then I skip to the next paragraph.

"The more particular business that brought Mr. Kelly to Seattle is to post union men upon the product of Henry H. Roeloff & Co. hatters, makers of the much-bought Youman's hat. Roeloff & Co., whose business is extensive and prosperous, has driven its employees to extreme measures by its persistent, unfair and un-American policy of antagonizing union labor, forcing wages down to a starvation scale, and giving boys and cheap, unskilled foreign laborers preference over experienced and capable union men. Skilled hatters have been discharged from the factory for no other cause than their devotion and adherence to the principles of organized labor—in refusing to give up their union cards, and to teach the trade to boys who were intended to take the place of union work- 1612)

1613 men after a few weeks of instruction. Unable to submit longer to a system of petty tyrannies that might be tolerated in Siberia, but could not be borne by independent Americans, the workmen in the factory inaugurated a strike to compel the firm to recognize their rights. Since the strike began the Roeloff factory has been filled with ignorant, foreign laborers, and the places of skilled workmen have been taken by sewer diggers from Orange, N. J., after unavailing effort on the part of the factory proprietors to secure competent men to aid them in their stand against the rights and principles of organized labor."

1614 Mr. Merritt:

"To aid in the successful prosecution of this struggle against the greed and tyranny of this firm, the hatters ask that union workmen and all friends of labor unionism, fair wages and skilled workmanship, will cooperate with them by refusing to buy, sell or wear the product of the Roeloff hat factory, until such time as the present strike is satisfactorily settled, and the firm of Henry H. Roeloff & Co. agrees to treat its employees with fairness and consideration. Another notoriously unfair hat that Mr. Kelly directs attention to is the Stetson. Thes hats are made by girls, the average earnings

1615 of whom are $1.65 per week. Seattle Union Record, December 14."

Mr. Merritt:

I now read from the Journal for February, 1902, under the head of Reports of Officers.

"President's Report.

"To the officers and members of the United Hatters of North America:

"Gentlemen. In presenting to you my report of the work of our organization for the past six months, I desire to dwell

1616 particularly on the strike now going on in the district of Philadelphia, Pa., against the non-union firm of Henry H. Roeloff & Co. In this connection I wish to call your attention to the causes which led up to the strike and to give some history of the struggle and of the action taken by your Board of Directors and general executive board. As was stated in my last report to you on the 19th day of April last I was petitioned by Locals No. 18 and 19 of Philadelphia to call a meeting of the Board of Directors to urge them to take some action in regard to a strike which was then in vogue at the aforementioned factory. Committees representing Locals No. 18

and 19, together with a committee from Roeloff's shop, appeared before the Board of Directors, and made statements to the effect that the foremen of said Roeloff factory were discharging men in the making and finishing departments because they were members of the United Hatters of North America, and those who were not members of said organization left the factory in support of those of our members who were discharged. Upon hearing these statements the Board of Directors took under consideration the advisability of supporting the strikers, and after a lengthy debate on the subject a resolution was adopted to support the strike and refer the whole matter to the general executive board with full power." **1617** **1618**

"On the 7th day of May the executive Board held a meeting at Philadelphia and had several conferences with Mr. Roeloff. Propositions were made by both sides, but we could arrive at no satisfactory agreement. One of Mr. Roeloff's propositions was as follows:

"That he (Roeloff) would become a member of our organization and would pay the dues of his employees whether they held cards of our organization or not. He to be the shop steward and shop whoever he pleased, union or non-union. This, of course, was promptly rejected by the executive board.

"After a lapse of several days your executive board decided to fight the battle to a successful termination and placed your president in charge to carry on the fight on the lines well known to the members of our organization. **1619**

"Without unnecessary delay the president notified the labor organizations of the country of the strike by issuing the following circular:

"To union workmen and friends of organized labor:

"Notice is hereby given that a state of strike exists at the hat factory of Henry H. Roeloff & Co., Philadelphia. This firm, whose business is extensive and prosperous, has driven its employees to extreme measures by its persistent, unfair and un-American policy of antagonizing union labor, forcing wages down to a starvation scale, and giving boys and cheap unskilled foreign laborers preference over experienced and capable union workmen. **1620**

"Skilled hatters have been discharged from the factory for no other cause than their devotion and adherence to the principles of organized labor—in refusing to give up their union cards and to teach the trade to boys who were intended

1621 to take the place of union workmen after seven months of instruction.

"Unable to submit longer to a system of petty tyrannies that might be tolerated in Siberia, but could not be borne by independent Americans, the workmen in the factory inaugurated a strike to compel the firm to recognize their rights. Since the strike began the Roeloff factory has been filled with ignorant foreign laborers, and the places of skilled union workmen have been taken by sewer diggers from Orange, N. J., after unavailing efforts on the part of the factory proprietors to secure competent men to aid them in their stand against the
1622 rights and principles of organized labor.

"Such is the present condition of affairs. Our fight is not dictated by any vindictive spirit or sordid motive, but to demand the recognition of organized labor and those principles of fair play that are uppermost in the mind of every true American.

"To aid in the successful prosecution of this struggle against the greed and tyranny of this firm, we urge, in the name of organized labor, that union workmen and all friends of labor unionism, fair wages and skilled workmen, will co-operate with us by refusing to buy, sell or wear the product of
1623 the Roeloff hat factory until such time as the present strike is satisfactorily settled, and the firm of Henry H. Roeloff & Co. agrees to treat its employees with fairness and consideration.

"John A. Moffitt, president. John Phillips, secretary. No. 797 Bedford, Bedford Avenue, Brooklyn, N. Y."

And then Mr. Moffitt goes on to say:

"Of which upwards of ten thousand have been sent out up to this writing. Your executive board also sent out four agents to different parts of the country where the Roeloff hats are most in demand, and I desire to say that the efforts of our agents have been very gratifying to those in charge of the
1624 strike. Agent W. Hennelly, who was sent to the Northwest, was out but a short time when I received a telegram from the largest hat jobber of St. Paul, Minn., asking for a cessation of hostilities until such time as he could get to Philadelphia to see what could be done to bring about an amicable adjustment of the trouble. The request was granted until the 24th day of July, when the aforesaid jobber arrived at Philadelphia, and on the following day arranged a meeting between Mr. Roeloff and your president for two o'clock in the afternoon at the Bell View Hotel. The meeting lasted five hours,

and upon its conclusion the gentleman from St. Paul, who 1625
was listening to the discussion, gave it as his opinion that the claims made by our organization were just in every particular, and thereupon made the following very flattering proposition to Mr. Roeloff if he would unionize his factory and get the use of the union label that he would place with the firm of Henry H. Roeloff & Co. at once an order for one hundred thousand dollars worth of middle class goods, from eighteen dollars to twenty-four dollars per dozen. Mr. Roeloff said that the fair hatters would not let him make those goods at a profit, and I answered by stating that our organization would ask no more for labor for him than they would of any other union 1626
manufacturer, but would ask just as much, and it was very evident that the union manufacturers were making a profit on their goods or they would not continue in business. It was then agreed that I would submit a contract or bills of prices for all departments to Mr. Roeloff, and that the greatest secrecy should be kept while this was going on.

"On July 29th I sent for the officers of Locals 18 and 19 and had them draw up bills of prices to govern the different departments at the factory, and also warned them against giving publicity to what was going on. When the papers were ready for presentation a messenger was dispatched with them 1627
to Mr. Roeloff, who refused to receive them on the ground that the whole affair was freely ventilated by hatters on the streets of Philadelphia the preceding night, and called upon one, George Golden, a foreman of his curling establishment, to verify his (Roeloff's) statement. Negotiations were then and there cut off, and I have been unable since to bring about another conference with Mr. Roeloff.

"On September 16 I received a telegram from two of the largest jobbers in the West to meet them in New York City on the following day, the 17th. I met these gentlemen as requested, and after a conference lasting about three hours they 1628
decided to place no more orders with the firm of Henry H. Roeloff & Co. until such time as the factory was unionized.

"In carying on this fight we have been enabled, through the convention of the American Federation of Labor, to enlist the sympathies of all organizations connected with that body. Upon the direction of the general executive board I attended the convention of the American Federation of Labor at Scranton, Pa., in the interest of the strike and other matters, to which I will refer later, and while there I succeeded,

1629 with the assistance of our delegates, in having the following resolutions adopted."

I will omit the preamble and just read the last paragraph of the resolution.

Mr. Merritt:

"Resolved, that we call upon all the International, National and Local Unions affiliated with the American Federation of Labor to give all the assistance possible to the United Hatters of North America in the unequal fight which they are at present so manfully making against wrong and oppression, and we hereby pledge ourselves not to patronize any
1630 dealer or dealers who handle the product of non-union hatters and more particularly the product of the firm of Henry H. Roeloff & Co., of Philadelphia, Pa.

"And later in the convention the general executive committee of the A. F. of L. declared a general boycott on the product of the non-union concern of Henry H. Roeloff & Co. The fight is being very aggressively carried on by our organization, and from present indications and reports from our agents on the road, I feel very confident that the end is close at hand.

1631 "We have at this time four agents on the road and they are located at the following places: Tennessee, California, Wisconsin and Minnesota. Our agents send in reports twice a week and the work being done by them is very satisfactory."

Then I skip certain parts of the report until I get towards the close, on page 4, when the report reads as follows:

"Beginning with the February issue of the Journal your president will manage the same, and he very cordially invites the members in general to contribute an arti-
1632 cle once in a while in order that we may be able to make the Journal an interesting sheet, for not only the members of our organization to read, but for members of organized labor in general.

"Beginning with the March issue the weekly reports of the work done by our agents on the road will be printed. And we expect that the secretaries of the various Local unions will give at least fifteen minutes of their time every month in sending in an article from their respective associations.

"Very respectively submitted, John A. Moffitt, president." 1633

Adjourned to tomorrow morning at ten o'clock.

Tuesday, September 5th, 1912.

Morning Session, 10:00 A. M.

The Court:

Mr. Merritt, you have the floor.

Mr. Merritt:

Yesterday I closed by reading the report of President Moffitt in the February Journal for 1902, and his statement that hereafter the reports of the agents on the road would be printed in the Journals. 1634

I now turn to page 16 of the Journal for February, 1902, which are minutes of the meeting of the General Executive Board held in Brooklyn, December 27th, 1901.

"The President made a report of his visit to the Convention of the American Federation of Labor at Scranton, Penna. He stated that a protest had been made by Delegates Bailey and Shalvoy against the seating of the delegates from the Labor League of Philadelphia."

I will skip that.

"The President also stated that the Convention had endorsed a boycott which the United Hatters of North America had instituted against a certain non-union firm. 1635

"The President stated that two men who were not members of the National Association had been arrested for picketing at a non-union factory, and the question was raised as to the advisability of giving them financial assistance in order that they might employ counsel, etc. The Board decided to give the President full discretion in the matter. The Board then took up the case of a union firm which had been selling the products of a non-union factory. Said firm had been notified in June last that on and after January 1, 1902, the union label of the United Hatters of North America would not be granted to any union manufacturer who would sell the products of a non-union concern. A Letter was received from the union firm in question to the effect that their contract to sell the non-union goods would not expire until Feb. 28, 1902. Motion made that action on the matter be deferred for the present. Motion carried. 1636

"It being reported to the Board that a certain union manufacturer in Newark was connected to such an extent

1637 with a certain non-union concern in Massachusetts as to virtually make them one firm, it was decided that the union firm be notified that unless the connection was severed on or before March 1, 1902, the union label would be removed from the factory.

"In consequence of the resignation of Editor Murphy the Board decided that the President should assume charge of the Journal. The meeting then adjourned. John A. Moffitt, President, Martin Lawlor, Vice-President, John Phillips, Secretary, James P. Maher, Treasurer."

1638 Then on page 17 are the minutes of the General Executive Board held at Brooklyn, January 9th, 1902:

"Meeting of General Executive Board. The Board met on the above date, all members present. Mr. Maher made a statement to the meeting in reference to the condition of things which existed in a certain factory which he had recently visited. The Board decided to seek for an interview with one of the members of the firm which controlled the factory in question and to try to have matters remedied."

"Now I read for the first time the report of one of the agents on the road:

1639 Beginning on page 20 of the same Journal, which is February, 1902.

Mr. Merritt:

"Pittsburg, Penna., January 20, 1902. J. A. Moffitt, President: Dear Sir:—"

I will skip the first part.

"Wednesday evening, January 15, I called upon the Federated Trades Council, a body of over one hundred delegates, and asked them to place six leading firms of the city on the unfair list. They did it with a despatch and a zest which would make you feel that they were 1640 pleased to have the opportunity of performing a favor for the hatters, and after doing it they were anxious to learn if there was anything else they could do. The hatters have an enviable reputation among the union men of Pittsburg and its suburbs. From the opinions expressed of our organization by the laboring men, it can readily be gleaned that this reputation has been gained both by live and up-to-date methods of advertising and by the liberality of the hatters when appeals have been made to them for aid. As an instance of the latter: I had occasion

to call up J. Willions, Secretary of the Amalgamated Steel 1641
Workers, the organization which was engaged in that memorable struggle with the steel trust during the last summer. When he learned I was representing the hatters, he took up a small red book, running his finger down the page he found where the hatters had made a substantial donation to aid their cause. At once his services and the services of each one in the office were at my disposal. Also when I visited the District Convention of the miners on Friday, January 17, there was manifested among the two hundred delegates present, the same willingness to perform for the hatters anything whatsoever 1642
lay in their power.

"Even the dealers are showing a disposition to lend an attentive ear to the demands and wants of the hatters; so much so that many of them treat you with the greatest courtesy. Occasionally, however, as was the case in one of the leading exclusive hat stores of this city, I was snubbed with a decisiveness which sent a chill up and down my backbone. They seemed to resent the insinuations that they even permitted a laboring man to enter their holy sanctum, much less to cater to his trade. This genius of the retail dealer is fortunately the excep- 1643
tion to the rule, and the good which they could do for our organization is so very slight that I doubt if we would thank them did they use nothing but union goods. Yet I hope the day is not far distant when they will be forced all union label goods whether they wish to or not; merely because there will be nothing else on the market.

"The hatters are no strangers to Pittsburg, the label being well advertised; and consequently there is a brisk demand for union goods. I shall endeavor to augment this demand by visiting each of the seventy-five organizations here and in Allegheny and also by distributing ad- 1644
vertising matter. I remain,

Fraternally yours,

James F. Murphy."

I now turn to the Journal for March, 1902, and beginning on page 2 I read from the report of Richard Rossman under the title of "Philadelphia."

"The case of Henry H. Roelofs & Co. seems to be moving along slowly, but nevertheless surely, as this firm is a very large proposition to tackle; but you can rest

1645 assured that every effort available is being made by our worthy President, John A. Moffitt, and his assistants.

"It is very hard to imagine what the workings of President Moffitt and his assistants are, unless you have really taken an active part in a similar case, so give credit where credit is due and let us patiently wait until we see the end.

"No doubt everybody has read the President's letter in the February Journal, and thereby you can readily see how hard he is working to settle Roelofs' case.

1646 "Every means imaginable is being used, and how plainly it is to be seen that our label is in greater demand today than ever before.

"Here is a little thing of which I took notice recently, and that is, that some men when they get the Journal just throw it to one side as though they dare not read it; and those are the very men that never have a word to say at a meeting, and who seldom take an active part in anything.

"The Journal is of the greatest importance; as through it we get news from every District in the Union. Stick to your Journal and your Label, as both are the work-

1647 ingman's true friend. Don't be afraid to uphold the label, as it is the only sure road to success."

And then I read from page 3, report from San Francisco, signed by C. H. Davis, Secretary; and I read only a part:

"San Francisco, Calif., January 30th, 1902. Mr. Kelly of Danbury, Conn." (He is a defendant) "National Traveling Representative, has just departed for the South after a vigorous effort in behalf of the union label. Rest assured that he proved himself greatly detrimental to the

1648 interests of H. H. Roelofs & Co. Mr. Kelly is the acme of energy, and did not overlook any opportunities whereby he could reap benefit for the cause. He was cordially received by all local unions and central bodies and assured of a strong combined effort to eliminate from the city's market all non-union hats. That this effort will be productive of excellent results is assured, as shown by the success locally obtained one previous occasion."

Then under the head of Philadelphia, on page 4, I read the report of Frank Keegan, Secretary of Local No. 18:

"Philadelphia, February 22nd, 1902. I congratulate 1649
the management of the Journal on this month's issue. The report of President Moffitt on the Roelofs strike was very interesting to members of this district, and we are hopeful that his efforts in behalf of this district will soon be crowned with success."

Then on page 6 you will find reprinted the notice from the American Federation of Labor:

"Notice, Headquarters American Federation of Labor 423-425 G. Street, N. W.? Washington, D. C. January 3, 1902. To all affiliated unions: At the request of 1650
the unions interested, and after due investigation, and attempt at settlement the following concerns have been declared unfair. The National Cash Register Co., Dayton, Ohio; The National Biscuit Co., Chicago, Ill.; Henry H. Roelofs & Co., Philadelphia, Pa.; Jamestown Street Railway Co., Jamestown, N. Y.; Secretaries are requested to read this notice at union meetings and labor and reform press please copy. Fraternally yours, Samuel Gompers, President, A. F. of L."

"Then I read from page 12 of the same Journal for March, 1902, under the head of "News from our agents."

Report of James F. Murphy: 1651

"Buffalo, N. Y., February 23rd, 1902.

John A. Moffitt, President,

Philadelphia, Pa."

I omit the first paragraph:

"The Roelofs Hat is handled quite extensively in this city, seven of the largest firms using the goods. The first firm I visited, Charles Kaul, 546 Main Street, makes a specialty of Roelofs' goods. He has the agency for the Youman hat and has in stock a complete line of Roelofs' styles. He said he could not conduct his business 1652
without Roelofs' goods, admitting at the same time that he could not continue in business without the Laboring people's trade. The J. L. Hudson & Co. 414-418 Main Street did not attach so much importance to the Roelofs hat and intimated they would cease handling it until such times as it bore the union label. C. A. Weed & Co., 420 Main Street, stated they used so few of the goods that it would matter little whether they ceased handling them

1653 or not. Browning-King & Co. were non-committal. The Superintendent, Mr. Smtih, was in New York at a conference of the Managers of Browning, King & Co.'s stores. The assistant manager stated that even were Mr. Smith at home he would have no voice in the matter, as he was obliged to do as the New York store dictated. H. Kleinhaus & Co. through the energetic manager of their hat department, were kind enough to inform me that by cutting the price on the Roelofs hat they were doing their
1 utmost to drive it out of the city. The manager also took
it upon himself to criticise the manner in which the hat-
1654 ters conduct their affairs, insolently telling me how he would like to be at the head of the hatters' organization for just one year, and he would teach them a lesson which they would not soon forget. However, the firm of H. Kleinhaus & Co. was placed in the hands of a receiver a few days ago, so I guess my enlightened friend neglected to practice what he preached. The William Henegerer, another large department store, did not think it right that they should interfere in any way with the differences be-
1(tween H. H. Roelofs & Co. and the hatters.

"Buffalo is thoroughly organized, and since all of the
1655 above mentioned dealers depend upon the laboring class for the greater part of their trade, I feel confident that I shall be successful in inducing them to not only write to Roelofs and request that he place the label in his hats, but, also, if necessary, to give up handling the goods.

"When I first visited the labor organizations I found it a difficult task to have them appoint committees to call on those firms mentioned. To visit seven firms is a good day's work, and after all it is asking a great of an or-
16 ganization to have it appoint a committee which must,
in carrying out its instructions, lose a day's work. So
1656 in order to overcome this difficulty I borrowed a typewriter and printed a number of circulars, of which the following is a copy 'Buffalo, N. Y., 1902, Mr. Charles Faul, 546 Main Street, Dear Sir:—The following resolutions were adopted at our regular meeting, which convened in Council Hall this evening:

"'Whereas the hat manufacturing concern known as Henry H. Roelofs & Co. of Philadelphia, Pa., continues to ignore the just and equitable demands of the United

Hatters of North America, namely; the recognition of organized labor, together with the adopting of those principles of fair play which are uppermost in the minds of every true American, and 1657 5

"'Whereas the firm of Henry H. Roelofs & Co. has been placed upon the unfair list by organized labor of the country, and

"'Whereas the strike ordered by the United Hatters of North America in May, 1901, is still in vogue, owing to the fact that a few hat dealers continue to handle the product of this unfair concern, and

"'Whereas the retail hat store known as Charles Faul, 546 Main Street, is now offering for sale this unfair hat, therefore be it 1658 6

"'Resolved, that we request the above mentioned dealer to cease handling the Roelofs hat under a penalty, if not being complied with, of withdrawing our patronage

Very Respectfully yours,'

"I had no difficulty in having the different organizations adopt them and send a copy to each of the firms. The cigar makers sent a committee, also a circular. The Central Body at their last meeting held Thursday evening, February 20, elected officers for the ensuing year. It took them so long to do so I was unable to secure an audience. They will meet again Thursday evening, and then I shall endeavor to pursuade them to send a committee to the above mentioned dealers. Since coming here I have visited the following organizations: February 10, beer drivers, and building trades; 11th, Bookbinders No. 17; Granite Cutters and the Buffalo Laborer; 12th, Boot and Shoe Workers, Carpenters Brotherhood; 13th, Allied Printing Trades; 14th, Bridge and Structural Iron Workers No. 6, Brick Layers and Masons No. 36; 15th, Bakers' Union, Amalgamated Carpenters; 16th, Bartenders; 17th, Coopers, No. 39; 18th, Cigar makers, Press Feeders, Plumbers and Gas Fitters; 19th, Bricklayers, No. 45, Electrical Workers No. 41; 20th, Painters No. 42; 21st, Boiler Makers and Iron Ship Builders, Carpenters No. 355; Electrotypers; 22nd, car makers, No. 3, District Conn.; Carpenters, Plasterers No. 9. 1659 7 1660 3

"I have distributed considerable advertising matter in the stores on the principal streets. During the coming

1661 week I shall visit Niagara Falls, Lockport, Medina and Batavia, all within a radius of thirty miles. I remain,

Respectfully yours,

James F. Murphy."

And I now read from page 15 of the Journal for March, 1902, the report of another agent; Felix J. O'Haire, Agent:

"Nashville, Tenn., February 2, 1902, John A. Moffitt, President.

"Dear Sir:—

1662 In visiting the following Labor Organizations, Trade and Labor Council, Building Trades Council, Retail Clerks Association, Typographical Union No. 20, Journeymen Tailors Union, Lathers Union, Barber Union No. 135, Painters, Plumbers and Carpenters, I succeeded in having committees appoint from each of them to assist me in my work. The stores here that handle Roelofs' goods have, save one exception (Cooper & Co.), agreed to place no more orders for these goods until the strike is settled. Organized labor here is very anxious to assist the hatters, as they look upon the hatters as the most progressive organization affiliated with the American Federation of Labor. In the case of Cooper & Co. the Central Labor body has taken up the fight against them, and their finish is in sight. I will leave here according to your instructions, for Memphis tonight, and will start in there with a vengance on the parties whom you wrote me about. Will wire on my arrival. If there is anything needed at Nashville wire Hill or Fahey. Have forwarded under separate cover the Nashville Labor Advocate, which gives a detailed idea of the work performed by me here. You can't send the work any too fast for me.

1663

1664 "Yours Fraternally,

"Felix J. O'Haire, Agent."

Then I read from the same page, report of another agent.

"Fort Worth, February 19th.—

This is report by defendant, Daniel P. Kelly:

"John A. Moffitt, President

"Dear Sir: Having completed a very successful campaign against the R. (that is a capital "R" and quotation) goods on the Pacific Coast according to your instructions, I crossed a great desert and arrived safe and sound

in Texas. El Paso is not very well organized, but am sure that I can do a good deal of good work here. Will get all the unions this week. They are meeting just right for me—three and four a night. I addressed a meeting last night and looked through the hats and found about half of them scab, and I just went right after them. I also attended a meeting and was the only white man in the hall. The rest were colored gentlemen. The President weighed about even with Billy Foly, and it was a very warm night. I spoke on our label for about fifteen minutes and told them of my mission in town. They were ready to do most anything for me, and appointed a committee to take up our fight. I attended three meetings tonight, and I am meeting with good success. **1665** **1666**

"Fraternally, etc

"Daniel P. Kelly, Agent."

This is in the form of a post script:

"Anything in the future on the Coast send instructions to Ed Rosenberg, San Francisco. Our local association at Frisco will look after our interests also."

I believe that Rosenberg's name comes in without depositions later on.

On page 16 is the unfair list of the American Federation of Labor reprinted, and under the head of "Hats" on the list "Henry H. Roelofs & Co., Philadelphia, Pa., and Stetson & Co., Philadelphia, Pa." **1667**

I now read from the April number, 1902, and I turn first to page 3 and read extract from report of defendant William P. Bailey, under the head of "Bethel":

"In this District there is favorable comment on the February and March issues of the Journal. Letters from our agents on the road are interesting and enlightening. The average Journeyman likes to know what he is getting for his money and what is going on on the inside; and these reports show what is being done from month to month in the interest of the label." **1668**

I now turn to page 5 of the Journal for April, 1902, and read report of Erven Thake, Secretary No. 2; I suppose that means Secretary of Local No. 2 of the United Hatters. "St. Louis, Mo., March 12, 1902."

Mr. Merritt:

Now the St. Louis report.

1669 "I wish to call the attention of the members of the trade to the central body of organized labor in this city, an organization which is considered by many to be the most progressive central body in this country today. That this organization is the paramount and most potent factor in the labor movement of St. Louis cannot be denied. At the last Labor Day demonstration held in this city there were two demonstrations held, one by the Central Trades and Labor Union, the other by the Building Trades Council. The Central body cleared over #11,000 on that day; while the Building Trades Council lost over 300, which 1670 clearly shows that the central body is the whole cheese, so to speak. That the United Hatters of North America stands well with this powerful body goes without saying. The rank and file of the organizations affiliated with the central body know that the hatters are ever ready to fight for their interest and not expect others to do it for them.

"The United Hatters of North America ought to feel proud of the prestige that they enjoy and I want to say right here that that prestige was still further increased during the Berg strike when the national organization sent its agents here who by their dignified and able manner 1671 conducted the affair entrusted to them and commanded the admiration of the organized labor of this city. At the last meeting of the Central Trades and Labor Union of St. Louis and the Central Trades and Labor Union of East St. Louis, the boycott on the Roelofs hat was reindorsed and placed on the unfair list at the request of the St. Louis Finishers.

"The stork visited the residence of J. Connor, lately of Danbury, and presented him with a little girl."

I read from page 9, extract from the official minutes of the meeting of the General Executive Board held at 1672 Brooklyn, referring to President Moffitt:

"His action in reference to business transacted in connection with a certain non-union factory was also endorsed."

And further on:

"The case of a manufacturer who conducted a union factory and had purchased several hundred dozen of non-union hats and sent them to his own factory was considered. The union label had in consequence of this been removed from the factory. A hearing was given to the

parties concerned. They gave a full and detailed state- 1673
ment of the transaction and of the circumstances connected with the purchase of the non-union hats. The Board asked several questions which were frankly answered. The bill of sale of the goods was produced and also the freight receipts. It was decided that the non-union hats must be removed from the factory under the inspection of a member of the General Executive Board before the union label would be placed in the factory again, and that the firm should be notified that if anything of a similar nature should occur again the union label would be removed permanently from the factory. It was also decided that 1674
all of the expenses that had been incurred in connection with the matter should be paid by the firm."

Then I turn to page 10 and read further from the minutes of the Board of Directors held in New York corner Rivington and Eldridge Streets, March 19, 1902:

"Motion was made that Mr. Ferguson be fined $100. Motion lost. Motion was made that the fine be $150. Motion carried. The first payment to be $25.00 and the remainder to be collected at the rate of 10% of his weekly earnings."

Now coming to the reports of the agents as they ap- 1675
pear in this April, 1902, number: "News form our agents, Marquette, Mich., March 15, 1902. John A. Moffitt, President U. H. & N. A., and Editor of Journal: Dear Sir: I am at this time located at Marquette, Mich., having arrived here today from Escanaba, I have learned in the short time that I have been here that there are eleven organizations in this city, the largest of which is the Longshoreman's Union. The shipping of iron ore is one of the principal industries here," etc. "I have not been able, up to the present, to ascertain just when the unions meet here, but I am told that most every night 1676
some of them are meeting. The railroad trainmen meet here tomorrow afternoon (Sunday) and I am going to pay them a visit. My stay here will be short, as the city has only a population of about 11,000 and in cities of this size all one has to do is to visit the central delegate body and one or two of the local organizations, bill the town, and every one by that time is aware of the nature of your business; then they will do the rest. After leaving Minneapolis I went to Duluth, Minn. This made my sec-

1677 ond visit to Duluth; and I want to say at this point that it is often very necessary to revisit some cities after you have operated in them, for the reason that some dealers will agree to comply with any request made of them, with no intention of keeping it, just to get rid of you and the Committee, thinking you are not going to return. Some dealers have had cause to regret such actions, but I am pleased to say that this state of affairs does not exist in Duluth. The retail dealers in that city have learned to respect organized labor. They have had it clearly demonstrated to them on one or two occasions that organ-
1678 ized labor meant what they said, and now they know in which direction their future interests are forthcoming. Duluth is rapidly becoming one of the most thoroughly unionized cities of the Northwest. All sorts and conditions of trade and labor are organizing. Usually in cities where there is a great deal of organization under way, there is always more or less trouble between labor and employers of labor, but happily such is not the case in Duluth. The union workingmen and the Duluth business men are on the best of terms and seem to be enjoying
1679 the city's prosperity together with the best of feelings toward each other. This is further evidenced by the fact that the wages of many trades will be advanced during the coming year without the slightest opposition from those called upon to pay the advances. There are at present forty-three organizations in the city. One of the most important of the recent organizations is that of the machinists. This organization gives promise to become one of the largest in the city.

"I visited Superior, Wis., and found the same prosperous condition prevailing there. When last in Superior
1680 two stores were handling goods from the Philadelphia concern whose product is so rapidly being put on the unfair list of every labor organization in the country. They were requested to discontinue buying from this unfair house by organized labor of Superior at this time. Upon arriving there on this trip I found both stores out of business, for reason, I suppose, best known to themselves and others. However, while in conversation with one of the dealers there he said there was a great demand for the label in Superior. Possibly those dealers did not know

this; at least one of them didn't seem to think so the last time I was there. No doubt he is wise by this time. **1681**

From Superior I went to Ashland, Wis., a city of about fourteen thousand inhabitants and with nine large, healthy organizations all doing business, the largest of which is the Longshoremen's Union, due also to the fact of shipping of iron ore being the chief industry. I visited as many of the nine unions as was possible and acquainted them without trouble. While there I had occasion to be of some service to the salesmen's union in helping some of the stores. I also had a chance to do some effective work for the Boot and Shoe Workers, which I did not hesitate nor neglect to do. The Boot and Shoe Workers have no local in that locality. **1682**

From Ashland I went to Hurley, Wis., and Ironwood, Mich., two cities which are only a mile apart and connected by an electric car line. Both of those cities are mining centers and formerly had a good miners' union, but allowed themselves to go back for some unknown reason. An organizer from the Miner's Union is expected there shortly to revive them and get them actively interested again. My story was very short there. I billed both towns and saw as many of the active union as possible in the short time I had to stay there. **1683**

"From there I proceeded to Escanaba, Mich., which city; I found well organized, all of the members alive and active in the movement, and willing to take hold of anything in the interest of organized labor. The unfair Philadelphia concern does no business there directly, but is very liable to indirectly, namely, through jobbers in the Northwest. I made the dealers acquainted with the way that they could be caught with some of these goods and they seemed thankful and promised to steer clear of any goods made by this unfair concern in the future, at least until the matter is satisfactorily adjusted and the goods have the label. **1684**

"From Escanaba I came here and it is my intention to go from here to some of the cities in the upper copper country and then south and southwest from here.

"Yours respectfully

W. C. Hennelly."

And then commencing on page 18 I read report of Daniel P. Kelly: "San Antonio, Texas."

Skipping the first paragraph.

"San Antonio was my next stopping place, and shall remain here a week or so longer. This city is much the best organized of any I have visited, and from what I can learn is the banner city of the state. In fact it is pretty thoroughly organized; and after visiting some of the places in other portions it is a pleasure and a relief to visit the stores and find in each a good line of our label. Found three merchants handling Roelofs goods and two of the merchants without hesitating promised to discontinue their patronage until the house had squared itself with the hatters. With the third, I was asked to give a little time for an answer. This firm, however, is a very small concern, and has little union patronage.

"In visiting the unions in this city I find a good attendance, and it is interesting to note the men as they examine their hats and point to the labels. Much good work has been done for our label by Brother C. W. Woodman, Editor of the Labor Paper, who is practically the only business agent in the city, although he tells me that there is a membership exceeding five thousand.

"From here I shall go to Austin, from there to Houston and Galveston, and may visit some of the intermediate points. In my opinion the Internationals ought to pay more attention to Texas than is being given. The immense oil fields discovered is bringing in capital, and factories are springing up, and we should have live organizers here in the field all the time, while at present there are none but the local men and not one working for a salary, or, in fact for any pay at all.

While some of the above cities are not organized as well as one would like to see, yet there is scarcely a store but what handles some of our labels, due, I think, to our system of advertising the label and the untiring efforts of our worthy secretary, who has been keeping the people well supplied with our label literature.

Daniel P. Kelly."

Here is a report of Patrick Lynch.

On page 19 of the Journal for April, 1902: "Journal Editor, United Hatters of North America. Dear Sir: The state federation—(This is from Pennsylvania) crept into this world on March 10, as an infant, but judging from

the talent and experiences of the delegates, it will soon develop into a powerful factor in the affairs of the state." **1689**

Then omit the rest down to here:

"Resolutions endorsing the trouble in H. H. Roelofs Hat Factory in Philadelphia were passed.

"I found when in conversation with a delegate that as soon as I stated that I was a representative of the United Hatters that the first thing he did was to take off his hat and show me the label.

"Quite a number of the delegates have been to the Scranton Convention and they speak very highly of our National President and the delegates who represented us there. P. Lynch, Delegate to the First Convention of the State Federation. President of the Philadelphia Finishers Union." **1690**

There is the unfair list given on page 26 of this same Journal, giving the different trades and under the head of hats. Henry H. Roelofs & Co., Philadelphia, Pa. Stetson & Co., Philadelphia, Pa. and then the Label Gallery on the opposite page and the following page. I now turn to the Journal for May, 1902, and I will read from the "News From our Agents, Northwest and Pacific Coast, report of D. P. Kelly: **1691**

"Entering the State of Montana, I found I was in the home of the Western Labor Union in the City of I met Dan McDonald, President of the Western Labor Union, who received me very courtesly, and invited me to make my headquarters at his office during my stay in the city. In talking over the Labor Question, he informed me that they recognized all Union Labels and assured me of the support of the W. L. U. He believed the Hatters one of the best organizations in the country and willing and ready at all times to lend any assistance possible. Committees were appointed from the different **1692** locals to assist me in my work, which was very successful in that city. A committee from the Silver Bow Trades and Labor Council visited the stores and demanded of them to not only stop ordering Roelofs hats, but all hats without the label. In Butte labor is well organized and the men receive good wages. Laborers receive $2.50 and $3.00 per day, and skilled labor as high as $6.00. They are very active and whenever there is a chance to organize any men their organizers are on the spot.

1693 "In Helena they were not organized as strongly as in Butte, but they were receiving new charters all the time and were very active. In this city I met Judson A. Ferguson, Labor Commissioner, and I believe a better man for the cause never filled that office in this country. During my stay in that city he organized two unions himself, and is continuously working for the laboring class. He was very much interested in the hatters' fight against Roelofs and acted on the committee to assist me in my work. No label is better known in this state than that of the United Hatters.

1694 "In the State of Washington they are under the A. F. of L. This state is fairly well organized, but a lot of work can be done in that line yet. Seattle is the best organized. In that city I found them willing to do anything to assist the hatters. They informed me that they drove out the Berg hat when we asked them, and would do the same with Roelofs.

"Seattle has a retail clerk's union that is more active than any I have met and was of great assistance to me during my stay in that city. A great many of them buy

1695 hats for the stores, and they want nothing without the label.

"Tacoma is not as well organized as it might be; but most of the unions knew of our label and were calling for it. They were very glad to have an agent of the hatters call on them to instruct the members on the label. Had no trouble in getting committees to assist in the work.

"Spokane was a very good field to work in as they knew very little of our label; but after visiting all the unions and distributing our literature, I feel that it will

1696 bring good results. I had a committee to assist me, and was successful in one store and had another store placed on the unfair list who refused to stop handling Roelofs hats. The central body promised to look after him.

"From Washington I went to Portland, Oregon. That city is organizing rapidly. The Hatters' label is well known and you can get union made hats in most any store. I met a hatter in this city holding a traveling card, coming from Newark, who informed me that he thought a renovator was sewing old labels in the hats; and as our

label was not registered in Oregon, I immediately had it registered. 1697

"In San Francisco, Calif. I met with a local of Hatters, small in number, but receiving good wages, and taking a part in the labor movement of that city. I attended their meeting and advised them to keep their delegates in the central bodies and to keep the label before the organizations at all times. They assisted me in my work, which I know will be a success in that city. 'Frisco Trades Council and Building Trades Council assured me of their support, as did all locals in that city. I found twenty stores handling more or less of R's goods, but all promised to discontinue. 1698 The labor paper published a list of all the stores with these hats in. Los Angeles is a well organized city with sixty locals affiliated with the Central Body, and this number could be increased, as there are still some crafts unorganized. Typographical Union had a hard fight on with the Los Angeles Times and on the evening I arrived in that city they had a demonstration and mass meeting, in which 2,500 union men took part. I had a committee appointed from the central body and visited the stores. They promised not to order any more hats of Roelofs until he was fair. I visited all the unions 1699 and spread our label literature through the city, and having completed my mission, left California for Texas, in which state I am now working successfully, and will send in reports later.

Fraternally
Daniel P. Kelly, Agent."

And then I read from the report concerning: Representative O'Haire of the United Hatters of North America, well pleased with Memphis."

This seems to be from some paper reprinted in this Journal. 1700

Mr. Merritt:

I don't offer this as proof of the fact, Your Honor, simply for the purpose of notice—

The Court:

Well, it may be received, limited to that proposition.

Mr. Merritt:

"Brother F. J. O'Haire, the worthy and efficient representative of the United Hatters of North America, has

1701 been in Memphis the past month stirring up the boys on their duties as trades unionists. That he has accomplished great good for his organization, the indisputable evidence is manifested at every hand's turn. Men are found discussing the Hatters' Union label today who were never heard to mention it before. Men demand it in their purchases now who never knew before what the label looked like, and not only the Hatters' Union, but every trades union in the city has certainly reaped a portion of the juicy fruits of Brother O'Haire's missionary work.

1702 "From casual observation of the manner in which organizations and individuals are asking questions of me, it is reasonable to assume that my visit to Memphis will result in great benefit to our label."—

"In visiting the different unions here I have had the pleasure of giving Roelofs and Youman Hats a pair of black eyes and a broken nose. Upon the conclusion of my remarks before one union, which has been but a short time organized, it was found that the members, thirty in number, were purchasing the Roelofs hats exclusively. They readily admitted that the Roelofs were being bought 1703 under the impression that it was union made. One of the members asked if this shop was an open one; I replied, 'not for union men.' He then stated that he was told by Roelofs' agent that we had men working in the factory since last August, and that the hat was union made. Having been properly enlightened upon this point and the existing trouble between our organization and this concern, resolutions were passed promising not to purchase hats unless they contained the United Hatters label, offering us all the assistance in their power and thanking me for the information given them. This ought to prove 1704 especially effective in causing Mr. Leidy, the concern from whom the above union purchased their hats, and which handles the Roelofs hats almost exclusively, to realize more fully the value of handling union made hats.

"I am told by the people in the different Southern cities which I have visited that there are very few organizations sending agents to this section of the country to advertise their labels. They say that they are only too glad to have representatives of the different crafts come and have a heart to heart talk with them as it al-

ways helps to increase the membership of each organization visited, and also to increase the demand for union made goods." 1705

I omit the rest of it.

I now take up the report of Mr. Murphy from Syracuse, which begins on page 5 of the same number, which is the May, 1902 Journal.

Mr. Mulholland:

Just a moment, Mr. Merritt.

Mr. Beach:

It occurs to me, Your Honor, that in these extracts being read for the purpose of explaining the question of notice that the whole extract ought to be read. 1706

Mr. Merritt:

Well, you read the rest of it.

Mr. Beach:

I will read the rest of it.

Mr. Merritt:

I have no objection.

Mr. Beach:

"Some unscrupulous dealers are now attempting to deceive the purchasers of hats by distributing in boxes upon shelves and in show cases non-union hats together with those which are union made. They aim to get the styles and shape as near alike as possible and try to deceive the customer by telling him that the man who put in the labels forgot to put one into the hat which does not contain the label. Special efforts have been made by me to caution the members not to be fooled by this elusive practice. 1707

"I wish to call the attention of the readers of the Journal that there is no label better known than the Hatters. The members of organized labor are always willing to assist us in whatever way they possible can. This, I think, is because they say we go at our business in the proper way, and all we look for is their moral support and co-operation, and that we are pretty sure to get. Wherever our label is known the union people make no secret of saying that we do our advertising in a businesslike manner; our national officers are known in all the principal cities of the south and are all well spoken of by those whose have had the pleasure of meeting them at conventions or on business in the interest of our label." 1708

1709 Mr. Merritt:

"Syracuse, N. Y., April 16th, 1902

John A. Moffitt, President, Philadelphia, Pa"—

Mr. Beach:

This is page number ?

Mr. Merritt:

This is page 5 of the May 1902 Journal, under the same title "News from our Agents"

"Dear Sir: In Rochester the firm of Meng and Shafer use Roelofs & Co's goods. This firm owns and operates three stores in that city. The Senior member of the firm
1710 Mr. Shafer stated that while he did have in stock a number of Roelofs styles, still he did not have an order in the factory, and furthermore, out of deference to the wishes of the union men of Rochester would not place an order with this unfair concern until this dispute with the Hatters is amicably settled. I accepted his promise in good faith and doubt not that he will keep it. However, I acquainted the labor organizations with the fact that he handled the goods, also concerning his promise. They instructed me if he broke his word to notify the central body, who would endeavor to entertain him.

1711 "Rochester is well organized, unionism having reached that stage where it is not only respected, but even feared by the vendors of non-union goods. There are in the city about 70 organizations of the different crafts, comprising a small army of union men and women. From the statements of the hat dealers whom I visited, it could be readily gleaned that the majority of votaries of unionism have the good habit of lookng under the sweat band when purchasing a hat. In fact it is so difficult to sell any but union made tiles that Garson Bros, who con-
1712 duct a large department store were obliged in order to dispose of the non-union articles to have placed therein a French die, together with a union label purporting to be that of the French hat makers."

Mr. Merritt:

"Then advertising broadcast that they were recent importations direct from Paris. When the manager of the hat department was questioned regarding the genuineness of the labels he admitted the hats were made in this country. He practically confirmed your statement that the hats were manufactured by the notorious scab

concern of Marshall & Co., Fall River, Mass. I explained **1713**
to the delegates from all the organizations assembled in the central trades and labor council the deceitful methods practiced by the Marshall firm, also the duplicity which the local firm was endeavoring to perpetrate upon them. Mr. Callahan, President of the body, promised nothing would be left undone to disclose to all the laboring people of the city this crafty subtifuge."

Now I skip a couple of paragraphs.

"I reached Syracuse April 8th, and on the following day called upon the hat dealers of the city none of them who used R & Co's goods. The firm who did sell his **1714**
styles went out of the hatting business some time ago. The dealers manifested much interest in the recent turn of affairs. The majority of them registering a hope that we would be most successful, asserting that Roelofs & Co. assuredly received enough for his goods to be able to pay at least union wages. They moreover were not backward in saying that the union label in Roelofs hats would mean greatly increased business for that firm in this section.

There is a dollar hat store here which is offering for sale Merritt's, Millard's and Marshall's goods. I have **1715**
brought the store to the attention of the labor organizations which I have visited since coming here. Tonight the Central Body meets. I shall harrangue it for a few minutes on our label in general and the dollar hat store in particular. Advertising matter has been distributed throughout the city, so tomorrow I shall proceed to Utica, not deeming it necessary to visit all the organizations, since none of the unfair hats are sold here. Wishing you every success in defending the interests of the hatters organization, I remain, Respectfully yours, James F. Murphy." **1716**

Now continuing on page 6 the report of another agent, James Byrne: "Cincinnati, April 14, 1902, John A. Moffitt President, and Editor of the Journal: Dear Sir: My visit to the great iron city of Pittsburg in the interest of our organization and label has convinced me that whether we have a man on the ground or not the hatters' interests will not suffer. As nearly every workingman there has our label in his hat and was proud to show it at all the meetings I attended. Two of the largest depart-

1717 ment stores in Pittsburg have given up the R. hat and have written letters to the labor unions to that effect. They are Solomon & Ruben and the Kauffman store. Although there are a few stores still handling the goods, they have promised, with one exception, to buy no more until they can get the goods with the label in them. They have written Mr. R. so stating and one dealer paid a visit to Philadelphia in this connection.

"The exception is J. G. Bennett of Wood Street. He told me very plainly that the hatters were a bad lot. He said 'Why, I ran a hat shop in the seventies here in Pitts-
1718 burg, and I know what they are; they want work half the time—

Mr. Beach:

"Won't."

Mr. Merritt:

I suppose that is it,—they "won't work," half the time. "I said, Mr. Bennett, things have changed since the seventies, particularly labor organizations. The best minds in the country today recognize the right of the working people to organize for their protection and happiness. We think a hat factory ought to be operated by
1719 hatters and not by laboring me. Want you to use your influence in that direction and write Mr. R. to unionize his plant. He said: 'No, I won't write. Mr. R. has enough to do to mind his own business. So have I, besides I don't cater to the labor trade. I don't make up a suit of clothes under $40, nor sell a hat less than $5.00. My trade is with the merchants and business men of the city.' I wished him good-day and remarked that I hoped the sales in his store would be such as to keep the Philadelphia plant working overtime.'"

1720 Reporting on Pittsburg organizations and going on: "In off days I visited the outlying towns of McKeesport, Homestead and Carnegie, but only in McKeesport did I find any R hats. There I found one store N. Descham, who not only said he would give up the sale of the goods, but would go to Philadelphia and use his plant to have the plant unionized.

"I also visited Allegheny City, where I found twenty-three stores handling hats all union with the exception of the Dollar hat and the Stetson hat. I also found there a shop run by a man named Bucknum. He holds a Phila-

delphia card and gets his bodies in the rough from Dan- **1721**
bury, and finishes and curls them himself. On March 27th, Adams Express delivered at his store a crate of nine dozen hats from Fall River, presumably from Marshall. I advised you of this in a previous letter. I also informed H. C. Shalvoy, of Danbury."

I will skip the next paragraph.

"The jobbing house of Kahn & Fellheimer was closing out what they had left of the R hats. They informed me that the goods was not coming right, and they had no further use for them. The other jobbers would not handle the R hat because he sold to the retail trade. W. **1722**
K. Shannon, who succeeded Theiss at 427 Vine Street is the only retailer in Cincinnati who handles the R hat. He has the Yeoman and all the other lines and has both names painted on his windows. When I called on him and stated my case he said: 'Why, I don't know how I could give up the sale of these goods just at present. I don't want to be rude to you, but I would like to hear the other side of the question! He said he thought Mr. R. a just man and a man who would not be dictated to etc. He also said that Mr. R's good took all the prizes at the expositions (serves our fair manufacturers right). **1723**
He said further that he had a union man ask him to tear our label out of a hat he had purchased, but did not know who he was or to what union he belonged. (Rats.) I visited Ludlawn, Newport and Covington, Ky., just across the Ohio river and found nine stores handling hats. All but the Dollar were Union. Farrister & Van Ness runs a fair shop here. They get hats in the rough from several Eastern firms; they employ six fair men who held checks of the Chicago Association."

Well I will skip a way.

"Several of the unions here have for some time past **1724**
regarded Shannon's store as unfair, and the retail clerks, brick layers and the Building Trades Council have sent committees to him for the second time. At the meeting of the Kentan and Campbell County Trade and Labor Assembly in Covington, Ky., on Friday night when I got through with my statement and they learned we were being sued for $250,000 they passed a motion to put Shannon on the unfair list, and another to send a committee to see him. The labor papers of Covington, the Com-

1725 monwealth, the Chronicle, and the Labor Journal will this week give wide publicity to the Roelofs suit against our organization. The suit is attracting the attention of wage workers everywhere as the decision of the Court will be of vital important to organized labor, more especially to the brewery workers here who are out to the number of 1200 and who are making the same kind of a fight and are using precisely the same methods employed by the hatters.

"Having completed my task here I will, under your instructions start tomorrow morning for Columbus, Ohio.

1726 "Respectfully, James Byrne, Agent."

And then follows on page 8 the report of W. C. Hennelly: "Omaha, Neb. April 19th, 1902. John A. Moffitt, President of U. H. of N. A. and Editor of Journal. Dear Sir: I am very sorry to keep you waiting for my report for the Journal, but I have been kept so busy of late that I hardly could find time to sit down and write a long letter. Everybody is asking questions regarding our recent legal developments, and I am kept busy trying to answer them. The publicity of this matter has lessened my work a little as every one has been made acquainted with it

1727 through the newspapers. The organizations are taking hold of this matter now with twice the energy they formerly did, and they now feel that it is their individual fight, as well as ours. I have just arrived here this afternoon from Sioux City and have not had much time to look over the ground here. Will report conditions here to you just as soon as possible."

I will skip a whole page or more, beginning on page 10: "From Ispheming, Mich. I went to Oshkosk, Wis. and remained there for two days. Some of the dealers there who were full of promises when I was there before

1728 thought they would change their minds after I left. They were gently reminded by the local people of their former promise and requested by them to make good. I did not remain long enough to learn their final answer, but I feel confident that all will be well, judging from the make up of the organizations there. They are very apt to hold the dealers to their first offer.

"My next stop was at Fondulac, Wis. Here is a dealer who persists in handling unfair hats and from the unfair Philadelphia concern, however, there is no cause to

be alarmed over this, for the concern doesn't amount to 1729
anything and never will as long as the present proprietor holds forth. He is one of the kind of gentlemen who always undertakes to tell the purchaser what kind of goods he should buy and is not willing to let the customer suit himself. I did not find much to do in this city and left there for Sheboygan, Wis. There I found a concern who cater for the laboring man's trade and also cater to an unfair hat manufacturer. This concern was trying to play both ends and the middle of this affair. Their position was thoroughly aired and laid bare to the delegates of the trade and labor assembly of that city at a meeting at 1730
which I was present. No doubt by this time this concern may have cause for reflection. From Sheboygan I went to Milwaukee. I found some of the dealers there still handling unfair hats against the wishes of organized labor of that city. I visited a number of the organizations while there and started matters going again. They promised to take hold of the matter again with renewed vigor and push it to the end. I did not have all of the time in Milwaukee on my last trip that I would liked to have had. Having previously arranged to be in Minneapolis on a certain date I was obliged to depart from Milwaukee for 1731
the time being. Upon arriving in Minneapolis I immediately went to work visiting the organizations. I visted about thirty of them, and at a meetng of the trades and labor assembly, the following resolution was passed by a unanimous vote of the delegates, which gives a fair version of how they are taking hold of the matter. Following is the resolution unanimously adopted by delegates representing 23000 union men in Minneapolis.

'Whereas the United Hatters of North America who have been engaged in a struggle with the concern known as Henry H. Roelofs & Co. of Philadelphia, Pa., manu- 1732
facturers of hats since May, 1901 and

"Whereas the said Henry H. Roelofs & Co. continues to ignore the just and equitable demand of the United Hatters of North America, namely the recognition of organized labor, and

'Whereas the products of this concern having been put on the unfair list of the State Federation of Labor of Minnesota and the Trades and Labor Council of Minne-

1733 apolis, also being on the unfair list of the American Federation of Labor, and

'Whereas the hat dealers of Minneapolis have been duly notified by a committee from this body that those products were unfiar, and

'Whereas the Malmsted Co. located on the corner of Fourth Street and Nicollett Ave., and which is a branch of the Palace Clothing Co., and who persist in handling those unfair hats against the wishes of organized labor of Minneapolis, and Hoffman's Toggery Shop located on Fourth Street between First and Nicollett Aves. who
1734 definitely opened their store with these unfair hats knowing full well the conditions under which they were made, therefore be it

'Resolved that we request the above mentioned dealers to cease handling the Roelofs and Youman hats under a penalty if not being complied with of withdrawing our patronage, and be it further

Resolved that we now serve notice on all hat dealers in our city not to expect our patronage if they patronize either directly or indirectly the unfair concern of Henry H. Roelofs & Co. until such time as the matter is
1735 adjusted, and be it further

'Resolved that a copy of this resolution be sent to all hat dealers in the city.'

"From Minneapolis I went to Mankato, Minn., a city of about 12000 inhabitants and fairly well organized. I billed the town, visited the dealers and found a very good demand for the label for a city of its size. I saw all the unions possible and left for Sioux City, Ia. In this city I found a very agreeable state of affairs; a good demand for the label and a class of dealers who seemed to be willing to make any reasonable concessions to the or-
1736 ganizations that they might ask. A number of those dealers were handling hats which commenced to feel like red hot coals to them when they were being made acquainted by a committee from the Trades and Labor Assembly as to about how many men would buy these kind of hats; but they very willingly agreed to remedy matters. Sioux City is well organized and I was able to attend two or three meetings every night while there. Yours respectfully, W. C. Hennelly, Iler Grand Hotel, Omaha, Neb.

The Court:

We will take a recess for fifteen minutes. 1737

Recess.

Mr. Merritt:

Then beginning on page 20 of this same Journal for May 1902 is printed the Roelofs complaint of which I shall read a part "Circuit Court of the United States Eastern District of Pennsylvania. Henry H. Roelofs a citizen of Pennsylvania vs. John A. Moffitt, a citizen of New Jersey, Martin Lawlor a Citizen of Connecticut, John Phillips a citizen of New York, James P. Maher, a citizen of Connecticut; John Cords, a citizen of Connecticut; W. C. Hennelly, a citizen of 1738 Massachusetts; George J. Phillips, a citizen of New York; Charles J. Barrett, a citizen of Connecticut; Martin Gorman a citizen of Connecticut; John Caskey, a citizen of New Jersey; William A. Brennan, a citizen of Connecticut; John Horrigan a citizen of New Jersey; Daniel P. Kelly a citizen of Connecticut; James Byrne a citizen of New Jersey and Lewis B. White a citizen of Connecticut."

And of those the following are defendants: "Martin Lawlor. John Cords; Charles J. Barrett; Martin Gorman; William A. Brennan; Daniel P. Kelly;" and the complaint goes on to say: "That the plaintiff has been for many years 1739 selling the product of his manufacturing establishment and business to many customers in various parts of the United States and foreign countries amounting to many hundreds of thousands of dollars, said sales being a source of profit to the plaintiff and a loss of such trade by the reason of the circulation of the above mentioned false and libelous circular and statements has been and will be the cause of great damage to the deponent, and has already damaged his business in one specific case to the extent of one hundred thousand dollars mentioned by the defendants in the Journal issued by them dated February 1st, 1902;

"That said defendants are officials and members of an 1740 organization and as such officials and members have caused said circular to be sent to labor organizations in various parts of these United States, and that in consequence thereof said labor organizations have issued circulars which are of the same nature and character as the one hereto attached and made part of this statement, the only change being as to the names of the customers who are thus sought to be prevented from trading with the plaintiff.

1741 "That in addition to the issuing of said circulars containing said false statements and threats the defendants have in many instances individually acted as traveling agents for themselves and those associated with them in this conspiracy and have visited various customers dealing with the plaintiff in St. Paul, Minn., Minneapolis, Minn., Milwaukee, Wis., Chicago, Ill., Buffalo, N. Y., Pittsburg, Penna. and various other places in the States of Texas Tennessee, California and Pennsylvania, and have threatened to injure the trade of said customers and prevent them from carrying on their respective business because of their purchase of goods manufactured by
1742 the plaintiff to the great injury and damage to the plaintiff of more than $250,000.

"That said defendants under date of Danbury, Conn., February 1, 1902, in volume 4, No. 4 of the Journal of the United Hatters of North America published under and by their authority have reprinted, uttered and circulated the circular first referred to in this statement, and in addition thereto admit therein that they have agents on the road fighting aggressively the business of the plaintiff; and further state in said publication that there is a strike of large proportions going on in the factory of the plaintiff when as a matter of fact
1743 there is not now nor never was a strike in the factory of the plaintiff, but that in the month of April, 1901, certain men then in the employ of the plaintiff were discharged for want of work, and because plaintiff would not retain them in his employ when he had no work for them, and because he would not allow his business to be conducted so far as regards the employment of persons to conduct the same by those not connected therewith, and the United Hatters of North America and other organizations thereupon his refusing to comply with their request a number of his employes voluntarily left his service after having been paid, entailing great loss and in-
1744 convenience to the plaintiff, but after considerable time and labor expended the plaintiff succeeded in supplying the places with other and competent workmen without any conditions as to their membership or non-membership in any labor organization; and that their work has been properly and satisfactorily performed ever since.

"That afterwards, towit on the 7th day of May 1901, and at various times since hitherto the defendants individually and collectively and as members and officials of said organization, and with others whose names are unknown to the plaintiff associated with them wantonly, wrongfully and maliciously

entered into a conspiracy and confederation together to coerce, 1745
compel and force the plaintiff against his will, his interests and his policy of carrying on business to organize his workingmen into an organization that was to be a part and parcel of the organization to which the defendants were attached, or as they, the defendants term it, to unionize his shop, and to discharge any of plaintiff's employees who would not become a union member, thereby coming under their jurisdiction. That said intent and purpose of the defendants being to control the employment of labor in the plaintiff's manufacturing establishment, and because the plaintiff refused and still does refuse to accede to such a tyrannical and unAmerican request, 1746
the wrongful and malicious acts complained of as aforesaid have been and are still being perpetrated by the defendants and their agents in that behalf, thereby preventing the plaintiff from carrying on his legitimate business in supplying the product of his manufacturing establishment to his customers and others desiring to purchase from him, thereby destroying his business and patronage, and the good will and profits thereof and tying up and rendering useless and valueless his capital and plant unless and until the plaintiff should comply with the defendants unjust and unlawful demands, and using as a means to accomplish that end threats against his customers as aforesaid and the other means herein complained 1747
of which have for their object and purpose the prevention of the sale of the plaintiffs product to the general public through his customers; said threats and publications and other acts of the defendants complained of have greatly crippled, injured and impaired his business to the extent of over $250,000, for which he brings suit.

John H. Fow,
Attorney for Plaintiff."

And then attached to the complaint are the libelous circulars referred to in the complaint, and those I will read.

Mr. Mulholland: 1748

That comes under our general objection.

Mr. Davenport:

Oh, surely.

Mr. Merritt:

"United Hatters of Philadelphia, Pa., under the jurisdiction of the United Hatters of North America. To Union workmen and friends of organized labor. Notice is hereby given that a state of strike exists at the hat factory of Henry H. Roelofs & Co., Philadelphia. The firm whose business is

1749 extensive and prosperous had driven its employers to extreme measures by its persistent, unfair and unAmerican policy of antagonizing union labor, foreign wages.

Mr. Davenport:

Forcing.

Mr. Merritt:

It says foreign. I guess it should be "forcing wages down to a starvation scale and giving boys and cheap unskilled foreign laborers preference over experienced and capable union workmen.

"Skilled hatters have been discharged from the factory
1750 for no other cause than their devotion and adherence to the principles of organized labor in refusing to give up their union cards and to teach the trade to boys who were intended to take the place of union workmen after a few weeks of instructions.

"Unable to submit longer to a system of petty tyrannies that might be tolerated in Siberia but could not be borne by independent Americans, the workmen in the factory inaugurated a strike to compel the firm to recognize their rights. Since the strike began the Roelofs factory has been filled with ignorant foreign laborers, and the places of skilled union work-
1751 men have been taken by sewer diggers from Orange, N. J., after unavailing efforts on the part of the factory proprietor to secure competent men to aid them in their stand against the rights and principles of organized labor.

"Such is the present condition of affairs. Our fight is not dictated by any vindictive spirit or sordid motive, but to demand the recognition of organized labor and those principles of fair play that are uppermost in the minds of every American.

"To aid in the successful prosecution of this struggle against the greed and tyranny of this firm, we urge, in the name of organized labor that union workmen and all friends
1752 of labor unionism fair wages and skilled workmanship will co-operate with us by refusing to buy, sell or wear the products of the Roelofs hat factory until such time as the present strike is satisfactorily settled and the firm of Henry H. Roelofs & Co. agrees to treat its employees with fairness and consideration. John A. Moffitt, President; John Phillips, Secretary, No. 797 Bedford Avenue, Brooklyn, N. Y."

And then this other circular: this is also made part of the complaint: "Pittsburg, Pa., January 30, 1902, Messrs. McCord & Co. The following resolutions were adopted by

the Building Trades Council of Pittsburg, Allegheny and vicinity, and the Iron City Trades Council. 1753

"Whereas the hat manufacturng concern known as Henry H. Roeloffs & Co., of Philadelphia, Penna., which has been placed on the unfair list by organized labor of the country on account of the arrogant and Un American Methods which it has adopted in dealing with its employees, and

"Whereas the strike ordered in May, 1901, by the United Hatters of North America to compel the said Henry H. Roelofs & Co. to treat its employees with fairness is still in vogue, owing to the fact that a few hat 1754 dealers continue to handle the product of this unfair concern, and

"Whereas the dealers of Pittsburg were duly notified by a representative of the United Hatters in November 1901, that the hats manufactured by Henry H. Roelofs & Co. were considered unfair by organized labor; and

"Whereas the following dealers in this city continue to patronize the said Henry H. Roelofs & Co., namely Paulson Bros., McCord & Co. and J. G. Bennett & Co., Wood Street; Solomon & Ruben; and John Paul, Smithfield Street; and Samuel and Harry Kaufman, Pennsylvania 1755 Ave.; therefore be it

"Resolved, that we request the above mentioned dealers to discontinue their patronage of this unfair hat concern under penalty if not complied with of with drawing our patronage; and be it further

"Resolved, that the Secretary of this meeting be instructed to send a copy of these resolutions to each firm mentioned above and to the press of this city, and to all organizations affiliated with this body. Seal of Building Trades Council of Pittsburg, Allegheny and vicinity."

Then on page 25 of this same Journal is the unfair 1756 list which you have seen before; and under the head of "Hats" "Henry H. Roelofs & Co., Philadelphia, Pa., Stetson & Co., Philadelphia, Pa."

Now turning to the Journal for June 1902, I will read first from page 3, from the report of Frank Keegan, Secretary 18. Under the head of "Philadelphia" Philadelphia May 10, 1902.

1757 "At a meeting of Local 18 held on the 9th of this month the following resolution was presented to the meeting by Mr. Collins:

"Resolved that we, the members of local 18, endorse the National Officers in Roelofs strike and particularly the work of National President Moffitt in Philadelphia. We pledge him our support and feel sure he will bring this fight to a successful issue; therefore, I move you, Mr. President, that this resolution be spread on the minutes, and the secretary be instructed to send same to Journal for publication. The resolution received the unanimous
1758 vote of the meeting."

Then on page five we come again to the reports of the agents, and I read first report of Mr. Daniel Kelly: "John A. Moffitt, Editor, Dear Sir: After leaving San Antonio much interested in our fight against R. and all union men promising to stop that unfair firms goods in that city, I went to Austin. That city is young in the labor movement, but they are moving along rapidly. My work in that city was a success. After I billed the city and spoke at the union meetings, the stores began to place their
1759 hats in the windows with the sweat bands turned up so as to display the union label; something never seen in that city before. On visiting one union, a member of the union afraid that I was going to look at all the hats left the hall and when he got outside looked in his hat and found the label in it and was surprised. This shows that there was little demand heretofore, but all promised very faithfully that in the future they would buy nothing but union made hats. Found only two dozen of R. goods in that city, and that store will not order again until trouble is settled. Retail clerks are very active in that city, and
1760 will be a benefit to the hatters as some of them do the buying and will see that the label is in all the hats that they order."

Then I take a column right on in the same report:

"I left Dallas that night for Waco. It is fairly well organized having fourteen unions in the central body. As in nearly all towns in Texas the carpenters have the largest union. Cigar makers in this city are locked out and they are busy placing a boycott on the firm of Perry Bros., and from what I learn it will be successful. I have distributed our literature in this city and visited merchants

and all meetings except the central body which I will visit Monday night and then leave for Houston. Roelofs' hats are not sold to any extent in this city, and I think I can stop the few that are sold, as the merchants did not want any trouble with the unions. I have a committee working with me and everything points to success. Yours fraternally, Daniel P. Kelly." 1761

And then I turn to the report of James F. Murphy. Benginning on page 6 of the same Journal for June, 1902:

"Albany, N. Y., May 17th, 1902, John A. Moffit, Editor of Journal. Dear Sir: An April 18th I reached Utica from Syracuse. A thorough canvas of the stores revealed the fact that Henry Martin deals extensively in Roelof's goods. His manager was averse to making any promises concerning this unfair line of hats, deeming it no concern of his how Roelofs chose to conduct his business. He intimated that nothing but the ultra fashionable class of trade was served at his store, and the label, consequently, was of minor importance; however, he admitted the label was no weight to carry and occasionally he did have customers ask for it, and when unable to supply it not infrequently lost the sale. After considerable discussion in which he was given to understand that the laboring people together with their friends would be requested to purchase their hats elsewhere, he lost sight of the ultra fashionable patronage, and promised he would place no more orders with the Roelofs firms until their hats contained the label. The Utica Central Trades Council was informed of his promise and vouched that they would pursuade him to keep it. 1762 1763

"Utica is well organized, and the hatters' label is no stranger to the laboring masses; still it is surprising how many union men there are, not only in Utica, but everywhere, who either from forgetfulness, disinterestedness or perhaps selfish personal interest, neglect to demand the label when purchasing goods. I am inclined to believe that utter forgetfulness is responsible in most cases. Union men will explain to me how they have been inveigled into purchasing hats without the label, and in most instances it was owing to their own unthinking selves who, if they did think of the label did not have gumption enough to ask for it; hence it is necessary, no matter how well organized a city may be, or how well 1764

1765 disseminated the knowledge of our label to keep continually before the laboring people the essential importance of seeking the label when making purchases. Unless this is done there can be no lasting results.

"After advertising our label quite generally throughout the city I left Utica for Albany on April 29th. In Albany I found William Walsh & Sons, State Street, offering for sale Roelofs styles. When I had stated to Mr. Walsh the import of my mission he greeted me with a sarcastic smile and requested me if I had completed my little story, to bid him good day, as he would make no promise whatsoever, and furthermore he vigorously resented any outside interference with his methods of conducting his own business. A little flattery interspersed with hints that the laboring people of the city would be acquainted with his decision had the desired effect. He gracefully slid down from his lofty position and promised hereafter he would buy no hat unless it contained the label of the United Hatters of North America. Before leaving the city I shall request the Central body to appoint a committee whose duty it will be to frequently call on Mr. Walsh and see that he keeps his word.

1766

1767 "On May 1st I went to Schenectady, where a store which is conducted by Mr. Tierney, offers for sale the Youman and Roelofs hat. Mr. Tierney begged of me not to acquaint the labor organizations that he handled the objectionable goods stating that he would cease handling them and place all his fall orders in union factories. I heeded his request and submitted one in return, namely: that he write Roelofs stating that he could use Roelofs' goods to far greater advantage provided they contained the label. He wrote as requested.

1768 "On May 2nd I went to Cohoes and Lansingburgh. None of the unfair goods were found. The following Tuesday I went to Watervliet and Troy. In the latter place McArthur & McBridge used R. & Co.'s goods. Mr. McArthur assured me I need have no fear about him ordering any more of Roelofs' goods as recently they were not up to the usual standard and he could do better elsewhere." Signed "James F. Murphy."

And then the next report begins on page 7 and is from James Byrne:

"Dayton, Ohio, May 17th, 1902. John A. Moffitt, **1769**
Editor of the Journal. Dear Sir: On April 15th I arrived in Columbus and after securing headquarters at once went to work on my weigh-out and canvassed the hat stores of which there are twenty five retail and two wholesale in Columbus. Three out of the lot are handling the R. hats, to-wit: Morgan & Nason has the Youman, Hemming & Gallaway, the soft lines and Mr. Sherman two styles in soft hats which he claimed he cannot duplicate elsewhere. Mr. Morgan unfolded to me a long tale of woe that would fill the Journal about how organized labor had used him. He said he owed nothing to the laboring **1770**
people. He had a certain class of customers who called for the Youman, but if my Union would pay out he would throw it out. After out he would throw them out. After haggling with him for a long time he said he was seriously thinking of stopping the sale of the hat next fall, but he said 'not on account of the unions'.

"Hemming & Gallaway have put in a line of Price & Voight's hats on trial, and say if they keep sending them the way they are coming now they will throw out the R. hat in the fall. Mr. Sherman said he was getting rid of the R. hat little by little, and is now handling only two **1771**
styles in the soft hat which he claims he cannot give up just at present. He said it was only a matter of a short time when he would be clear of the R. stuff.

"Shanfarber used to handle the R. goods, but he showed me the few he had left in his window marked $1.98 to get rid of them and said he did not buy any this spring and was not going to. Of course, I told him I was pleased to hear that he had decided to throw out the scab goods. I learned from your letter this week that three dozen have been shipped to him since I left Columbus. The son of a Dutchman!

1772

"This jobbing houses of Zimm & Judkins and E. B. Robbins don't handle R. goods because he sells to retailers.

"I then began a tour of the labor unions and was fortunate enough to meet up with 42 locals, the Builders Trade Council and the Central Labor Union. At each of these meetings I paid my respects to the three firms mentioned above, the result being that they have all been put on the unfair list, and their names are published every week in the trades record, the official organ of the Cen-

1773 tral Labor Council of Columbus. The Trades Record also published a pretty good account of the suit brought against our organization by R. a copy of which I mailed you."

Then I omit a column and continue on page 8: "Here, like in Cincinnati, there is only one house handling the R. hat, and that the Youman, S. B. Williams & Son, No. 10 Main Street (this is in Dayton) and he positively refuses to give it up, saying he had handled it for five years, and it suited him. He said, however, if there

1774 was any other way he could help us he stood ready to do it. I suggested he write to Mr. R. and ask him to put labels in his hats. And to my surprise he readily consented to do it. He may also change his mind and discontinue the sale of the hat altogether after the committees appointed to wait on him get through with him. The following unions have appointed committees to pursuade him that it would be a good move on his part to take up some other line in place of R. The Central Trades Council (See minutes of Council in papers mailed you), press machine hands, motorman, longshoremen, metal polishers, painters and decorators and tile layers, up to the present

1775 writing I have met twenty three unions.

"On the 18th I paid a visit to the little town Xenia, some eighteen miles east of Dayton and found some eight small country stores selling hats, but they were nearly all cloth and straw hats. I will get through here about Tuesday or Wednesday and shall pull out for Toledo."

Then beginning on page 9 is the report of William C. Hennelly: Allen Hotel, Minneapolis, Minn., May 18, 1902. Mr. John A. Moffit, President, United Hatters of North America and Editor of Journal. Dear Sir: In my

1776 last letter to the Journal I mentioned my being at Omaha, Neb., but at that time I was not long enough there to report any of the conditons but at this writing I am pleased to say that the very best of union conditions prevail in that city and are on the improve."

Then I skip over to page 10:

"During the time I was in Omaha and vicinity I visited 31 of the different unions and acquainted them of our troubles and interested them in our label and in all other labels as far as possible. While visiting the dealers in those places and acquainting them of the state of

affairs in the unfair Pennsylvania concern they told me, unsolicited by me, that they would not buy any goods from this concern until the hats would bear the union label. Many of them said that they did not propose to fight the battles of any concerns who were going to fight organized labor at this age, and that there were other hats that they could buy and would not be obliged to keep them under the counter or change the name of them to sell them. 1777

"From Omaha I went to Lincoln, Neb. Here is a city which formerly was a good union city, but no doubt has gone back some in this respect. I could not find any one there who could give any good reason for this state of affairs." 1778

Then I skip on further down.

"However, while there I visited the union men and dealers and found two of the dealers handling the much looked for goods. I went over the usual ground with them regarding the same. The unions there promised to see those dealers and ascertain what could be done in the matter. I billed the town and also got our label registered at the State House while there. When about to leave there for Des Moines, Ia., I received a letter from the Secretary of the Trades and Labor Assembly of Minneapolis, stating that that body requested my precence at their next meeting, as they had been notified by two concerns that they had been operating with (for the reason of these concerns handling unfair hats) that they wanted to make a settlement to the effect of not handling any more unfair hats, or, in other words they had enough of that kind of game. The Trades Assembly did not want to take any action in the matter until they heard from the Hatters regarding the same. There has been so much promise jumping going on in this city that they wanted to go slow and be sure that all future promises would be in good faith. As I was going to Des Moines and Minneapolis being somewhat in that direction only further North I thought I would come here and find out what is going on and will say that I feel from what they say and from what I can learn that those concerns will do what is right in the future. They, like many others were not satisfied that organized labor meant what it said until they tried it out 1779 1780

4 4 4 5

1781 and had it demonstrated to them to their own satisfaction that such was the case.

"My path has not at all times been strewn with flowers in the twin cities. I had my obstructions to contend with here, but still, by persistent effort and cautious handling of matters I have been successful in landing the hatters winners here, and I supopse I should feel grateful for this instead of finding fault."

I call your attention to the unfair list which appears in this June, 1902, Journal, under the head of "Hats." "Henry H. Roelofs & Co., Philadelphia, Penna., and Stet-
1782 son & Co., Philadelphia, Pa."

I now come to July, 1902, and turn to page 5 "News from our Agents." I read first from the report of William C. Hennelly: "Coyne Hotel, Scranton, Penna., June 17th, 1902. Mr. John A. Moffitt, President of the U. H. of N. A. and Editor of Journal.

"Dear Sir. After having done everything possible in Minneapolis and having the assurance of the organizations of the twin cities that they would look after the few dealers there who continued to handle hats which were on the unfair list, I left for Chicago, Illinois. Upon
1783 arriving there, I met our local officers, whose illustration of the state of affairs there corresponded with the substance of your instructions to me in going to Chicago. I found our local there quite alive to the situation, and had already done most everything possible in looking after our interests in that city. Secretary Loughridge introduced me to a gentleman in the office of the International Cigar Makers Union, Mr. Hopp by name, who accompanied me on my visits to the dealers. We found a few dealers who were handling the unfair product of the Philadelphia concern. We talked long and earnestly with those
1784 dealers and in the future some good results may come from our visit. The Chicago local had already sent a committee to those dealers, and promises had been made to them which had not been lived up to, or at least not to the full extent of said promises.

"After carefully considering the conditions there and the amount that could be gained by a canvas of the city which would necessitate the staying there of an agent for six weeks or more to complete the work, I arrived at the conclusion that much more could be accomplished at

that time elsewhere, so left the matter in the hands of our local, which I am sure will be cautiously looked after. Much credit is due the Chicago Local for the great amount of work they have accomplished. Chicago is one of the largest fields in the country to work in and numerically the largest organized field in the world. Our present standing there goes to show that our members have been doing some hard work for the organization, and while they have accomplished much, still they do not have the time to put into their work that an agent would should one be working there. I am of the opinion that should one of our agents canvas the city of Chicago thoroughly it would be the means of increasing the demand for our label over 100 percent. Organizations are being formed in Chicago at the rate of two to five a day, and these new organizations our local people do not have a chance to meet, owing to lack of time to do so. I hope that in the future at some opportune time an agent will be sent there to do this work and help the local people out, for they are surely deserving of it and need such help. 1785 1786

"Having been in the West and Northwest for a year, and having received notice of my parent's illness also having some important matters to report to our National President, and as Chicago was the nearest point to headquarters that I have been in the past year I concluded to come east for a few days. 1787

"Upon reporting at headquarters after my visit home I was instructed by President Moffit to proceed to Allentown, Penna. After arriving at Allentown I found one of the dealers there who is also a jobber, handling the Philadelphia unfair product. In my visit to them I told them of my mission; also told them I would be obliged to acquaint the labor organizations and public of their city, and in other cities where they had done business that they were handling this unfair product. This they did not care to have done, but were undecided at that time as to just what they should do in the matter. I visited the organizations there and told them of our troubles and they were willing to do anything in their power to help us. Allentown is not very well organized at the present time, but are commencing to get a move on. They are just starting to form a central body there, and 1788

1789 I think after they get started they will be able to do much good. The city is surely sadly in need of it.

"From Allentown I came here and will say that for a man in my position a city in Scranton is a pleasure to work in. The city is well organized and organized in the right way. Here they know no north, south east or west; they are all interested in the general advancement of the working man, no matter in what part of the country he may be located. They have a central body here, which, to my mind is second to none in the country, for they have a method of keeping the locals interested in the work-
1790 ings of that body, which I think it would be well for all central bodies to copy. After every meeting of the Central Body the minutes of the meeting are immediately printed in circular form, also a list of the concerns and goods placed on the unfair list by them. These circulars are mailed by the Secretary of the Central body to the secretaries of every local union in the vicinity, to be read at their meetings, which bring the rank and file in touch with everything going on in the movement. Every communication and appeal from other unions are embodied in those circulars, which also brings to the notice
1791 of all members the grievance and wants of the outside organized world thus they establish a source of communication.

"In visiting the dealers here I found that they were also consistent in their methods, when they were buying, for there is a good demand for the hatters' label and all other labels. I found two dealers here who were handling the Philadelphia unfair hats; one of them immediately said that he would not handle any more of them until they had the label in them. The other said that they had spent a lot of money advertising the hat; also said
1792 that they had a class of trade that did not look for the label, although they would not object at its being in the hats. They were not at all pleased at the position they were occupying in this affair and said that they did not want to drive any trade away from themselves by handling unfair hats. They said that they would bring what influence they had to bear with this concern to use the label in their goods in the future and if this was not done and that they found that they were losing trade through

the fact of handling those goods they would refuse to 1793
accept any more without the label."

Then I skip a column and a half of this same report, continued, reading from page 7:

"At this writing I am not certain just how long I will remain in Scranton but will be here until I am certain that no more of the unfair goods from Philadelphia will be handled here. It is gratifying to know the interest that is being taken in our present fight. Everyone I come in contact with seems to know of it, and I am often asked by dealers and others if it is not the biggest fight we have 1794
ever had. I am satisfied that it is the best fight that we have ever carried on for the dealers are now satisfied that we will carry it on to the end; and when they make promises it is to their best business interests to live up to them; for if they don't they are surely going to get caught breaking them, thereby injuring themselves."

Then beginning on page 7 is the report of James Byrne:

"Cleveland, Ohio, June 21, 1902. Mr. John A. Moffitt, Editor, Journal, Dear Sir: On May 21 I arrived in Toledo on the time scheduled in my last letter to the Journal, 1795
and after a careful canvas of the town found it contained three wholesale houses thirty three retail stores and three renovating stores, the name and addresses of which I mailed you. There is but one store handling the R. hat and that the Yeoman. He is a Mr. Nirdlinger, at Madison and Superior Streets. In a conversation with him he stated that he handled the Yeoman hat for sixteen years and had a certain trade for that particular hat because he was opposite the two leading hotels in Toledo, the St. Charles and the Boody House—

"That he did not sell a hat less than $4.00. That if he 1796
were to give it up there were twenty others that would be glad to snap it up; in fact he said there is a large department store here that has offered me $500 to transfer the agency to them. I do not handle Mr. R's other lines, but I told him in the presence of his salesman, Mr. Pennypacker, that if he would unionize his factory I would give him orders for from between $3000 to $4000 worth every year, in his other lines of hats, but he would give me no satisfactory answer, therefore I don't handle only the Yeoman hat and this I cannot afford to give up. Toledo is a strong union town; the stores all carry union

1797 hats, shoes, clothing, suspenders, shirts, ties, cuffs, and now there is a union label collar on the market named after such labor leaders as Gompers, Wilson, Mitchell and our own John Phillips. I was presented with a 'Phillips' by their agent who was in Toledo for a few days. It is now up to the sporty boys in the trade to boom this collar in the East. At the meeting of the Central Labor Union I was given the privilege of the floor and the Council appointed their business agent Mr. A. E. Usher to wait on Mr. Nirdlinger and to render all the assistance in his power to make our fight a success. About every second union I visited also appointed a committee to see

1798 the same gentleman in our behalf. When Mr. Usher called on him he was very angry, he said: 'You are about the hundred and first man to come to me on this business. I told the hat man (meaning myself) just where I stood in this matter, and what I would do, but you are asking too much when you ask me to give up the sale of this hat. I can't afford to do it.

"This man, like all others that handled the Yeoman hat does not cater to the working classes, nor do they handle any other commodity that would give the working people a chance to make it advisable for them to swing corners. When Mr. Usher made his report at the next meeting of the C. L. U. it

1799 was decided that member of organized labor will patronize this house. As reporters are admitted to the meetings of the Council, this matter was published in the Toledo Blade, Times, Bee and News. I met nearly all the unions in Toledo and distributed a large amount of advertising matter, and after the seventeenth day I left for Cleveland, arriving here on June 7th, Saturday afternoon and part of Sunday I put in my time locating and taking the addresses of the hat stores and found three wholesale houses and fifty-eight retail stores and ten renovating stores. One of the renovating stores do up hats in the rough. The store is run by Adams & Wildman, 249 Prospect

1800 Street. They are fair men and hold our cards. Another one on the West side, Frank Cheistosky, 827 Lorain Street has a book and blank from Vienna, but I don't know that it is any good. At all events he never deposited it. The rest of the renovators are silk hatters and do all kinds of jobbing and repairing. Adams & Wildman, of course are the only ones using our label. The old fellow that McCarthy had the trouble with is still doing business at the old stand, 83 Sheriff Street. His name is Bernard Kabatchnick (pronounce it and you're good wood). I mailed you the names and addresses of all the

stores here. There are two stores here that handle the R. hat. R. E. Brown, 394 Bond Street, has the agency for the Yeoman hat and carries all the other lines of R's goods also. The other is Browning-King & Co., 85-87 Euclid Ave. They carry R's lines outside of the Yeoman. When I called at Browning, King & Co's I was referred to Mr. Turner the Superintendent, who received me in his private office and listened patiently to what I had to say. Then he said he sympathized with our cause but unfortunately he could not help us. He said: 'I do not do the buying; all the goods are bought at the New York store and shipped here. You will have to see the New York Manager. There being no room for argument I bowed myself out and went to see Mr. Brown; stated my case to him and asked him if he could not see his way clear to help us out. Mr. Brown said the only way he could help us out was to close his doors. 'Mr. Yeoman,' he said, 'is responsible for me being in business. I told this to the last man the hatters had here. I also told him I would write to Mr. R. and try and have him unionize his factory, and I did, and am willing to do it again; but I can't afford to go out of business which I would have to do if I complied with your request.'

"The matter is now in the hands of the United Trades and Labor Union (that being the name of the central body here since the C. L. U. and B. T. C. consolidated) and the individual locals whom I visit every night. I was given the floor at the meeting of U. P. and L. U. as was also Mr. Haubold, who is here representing the striking watch case makers. Mr. H. D. Thomas, the business agent of the U. T. & L. U. has been put at out service. The locals are also appointing committees every night to visit Brown and Browning, King & Co. This will have the effect of letting them know that we are after them if it does nothing else. There are some forty business agents here who look after the interest of all matters pertaining to their unions and unionism, and they all seem to think that Browning-King & Co. can be brought into line if we see the manager of the New York store as they are favorably disposed towards organized labor, but they are not so hopeful about Brown as he handles nothing under a $4.00 hat, and as a rule workingmen don't buy $4.00 hats."

Afternoon Session, September 5, 1912.

Mr. Merritt:

Now we are reading from the Journal for July, 1902, and I will read two or three reports of the agents from that Jour-

1805 nal. I will now turn to page 10 and read from the report of the defendant Kelly.

"Mr. John A. Moffitt, editor, etc.

"Dear Sir: According to your instructions I left Beaumont, Texas, and arrived at New Orleans, La., and began at once a compaign against the "R" hat, and to my surprise I found that the colored folks down here are more thoroughly organized than the white people, and full of nerve and ever ready to assist a representative of organized labor. I, in company with committees representing different labor organizations, visited the stores that handle the 'R' goods, and I must

1806 confess they are the very swell stores. Tomorrow I shall work with a new committee. I have found Mr. Ruez, of whom you wrote, and have him working with me. He got a judge of the court, who is a union man, and also a commissioner of police, to act as a committee and will go with us to certain swell stores, and believe this will bring them into line. A proprietor of a wholesale dry goods house is to accompany our distinguished committe to one or two stores where he has some influence, and therefore feel that we will be all right in this city.

"Respectfully yours,

1807 "Daniel P. Kelly.

"New Orleans, La., June 12, 1902."

And then June 14th a further letter from Mr. Kelly.

"Mr. J. A. M.

"Have just finished a second visit to the stores handling the 'R' goods with a committee composed of Mr. Hughes, Judge of the Recorder's Court; Mr. Bishope, Commissioner of Police; Mr. Refan, of the Street Railroad, and your man Rufus Ruez, organizer of the A. F. of L. I am using all kinds of committees to get these stores to countermand the orders they have placed in the factory. The storekeepers are fearful

1808 of having their stores placed upon the unfair list and will do most anything to prevent it. The firms of Fox and Lazard & Co. have agreed to discontinue. J. U. Adams, while fearful of a boycott, don't like to let go of the Yeoman's agency, but he will come around O. K. Committees from street railroad men, longshoreman and colored council will call upon Adams tomorrow. Resolutions will be passed at the Central Council tonight and distributed throughout the city. Your friend Ruez is a hard and faithful worker and thoroughly understands the movement, having worked for you before during

our Orange trouble. When I finish here Mobile, Ala., is next 1809
in line, and I understand is thoroughly organized. Will wire when I arrive there. Wishing you success, I am,

"Fraternally yours,

Daniel P. Kelly."

And I will read the report of Mr. Felix J. O'Haire, beginning on page 10 of this Journal for July, 1902. It is from Knoxville, Tenn.

"John A. Moffitt, Editor:

"Dear Sir. I arrived at Knoxville on the 7th inst. and working under your instructions, called upon the several 1810
parties mentioned in your communication. But before doing this I called upon Brother Ford, Editor of the Knoxville Independent, the official organ of the Central Labor Union, and also secretary of the body, and had him accompany me on my mission. And, Mr. Editor, I am pleased to inform our readers, that instead of receiving the customary frigid reception one in my position receives from merchants, I was very cordially received by the merchants visited at Knoxville. Four of the concerns who, sure enough were handling the 'R' hat, listened very attentively to the statement I made in regard to our grievance against the 'R' firm, and assured me 1811
that they would do everything in their power to assist us in our fight, and began by writing the firm mentioned that unless the hats which were ordered had the union label of the United Hatters in them they need not ship them, as they would not be accepted without it.

"Two other merchants visited were at first very reluctant to assist us in any manner whatever. One of them said that the salesman of the 'R' concern had been a life-long friend, and in consequence of that could not do anything for us. After using all the argument at our command we withdrew and placed the matter before the labor organizations of the city, 1812
who immediately sent committees to this store and informed the proprietor that unless the union label was in the 'R' hat the working people of the city would withdraw their patronage from him. Seeing that his business interests would be jeopardized by continuing to handle the 'R' hat he, with much reluctance, agreed to discontinue handling the 'R' goods, and in the presence of our committee wrote the Philadelphia concern of the position he was placed in and countermanded the orders he had placed until such time as they contained our label. The business of the sixth and last concern was so

1813 heavily incumbered that upon our return there the sheriff's officers were in possession. The city of Knoxville has been thoroughly canvassed by me, and a large amount of advertising matter distributed. With a special permit I was privileged to take up a position on the market square, where all the country people within a radius of ten miles of the city of Knoxville do their marketing and distribute our advertising matter. After I finished my second trip to the meetings of the labor organizations I shall then pull stakes and start, according to your instruction, for Chattanooga. Wishing you every success in this greatest of our undertakings, I am

1814 "Your obedient servant,

"Felix J. O'Haire.

"Knoxville, Tenn., June 14, 1902."

The next I read is from page 11 under the heading "Hatters' Label," which purports to be a report by Henry Dunleavy, Knoxville, Tenn.

"The different labor organizations of this country are fast learning to realize the importance of conducting their work strictly on a business proposition. This is so, not because it lacks in sentiment appealing to the finer and more delicate feelings of humanity, but for the reason that it must be treated as

1815 a business proposition in order to bring the greatest results and accomplish the most possible for the organization. This is well exemplified in the work of Mr. F. J. O'Haire, who has been doing some magnificent work for the United Hatters of North America in a number of the southern cities. The organization which he represents is one which has but little faith in the spasmodic label agitation and hot air usually indulged in on state occasions, such as Labor Day and the like, instead, it sends out competent men, such as Mr. O'Haire, to boom the label and look after their interests the year around. The work of this representative in the southern cities which he has

1816 visited such as Louisville, Nashville and Memphis, clearly demonstrates that it pays to handle the good work of an organization in manner and spirit as though it were the work of a trust or other large corporation.

"From numerous reports from Louisville, Nashville and Memphis we learn that Mr. O'Haire has accomplished a great deal not only for his own organization but also for organized labor in general. His work is of the practical sort, the kind which brings results. He conducts not only a campaign of education among the union men by speaking at their various

meetings, but also argues straight from the shoulder to the business concerns handling the unfair Roeloff hat which his organization is fighting. That he does this in a way that is convincing is shown by the good which he has accomplished among the business concerns themselves, as well as among the members of organized labor. 1817

"Were every organization to profit by the prudence of the United Hatters of North America and secure the services of such men as F. J. O'Haire, the cause of unionism would be certain to make more rapid strides in its march of progress.

"Henry Dunleavy,

"Knoxville, Tenn." 1818

I read from page 14.

"One Miller, a retail hatter of Newburgh, N. Y., has been placed on the 'We don't patronize' list by the Central Labor Union of that city for refusing to discontinue handling the non-union product of Henry H. Roeloff & Co. of Philadelphia, Pa., who the United Hatters of North America have been fighting for over a year for union conditions and living wages.

"The convention of the American Federation of Labor at Scranton, Pa., was appealed to to endorse our fight against the aforesaid concern. The matter was submitted by the convention to the executive council, and after a thorough investigation on the part of said council as to the causes that led up to this fight, they decided to place Roeloff's concern on the unfair list; notwithstanding this fact, the Typographical Union of the City of Newburgh passed resolutions, and gave them to the public press, the purport of which was to the effect that when their delegates to the Central Labor body voted to place Miller on the 'We don't patronize' list, they were misled by erroneous statements on the part of the hatters' delegates. Did the twenty-three local unions of hatters throughout the United States and Canada, whose members listened attentively to the statements made to them by the representatives of the International Typographical Union, when they were fighting the New York Sun, pass resolutions on the same lines as those passed by our Newburgh friends? No, they resolved to assist the printers in their great struggle both morally and financially. They appointed committees in all of the districts to assist the printers in bringing their fight with the proprietors of the New York Sun to a successful issue. 1819 1820

1821 The writer, who is president of the New Jersey State Federation of Labor, personally drafted resolutions and had them adopted, committing that body to the support of the printers in their great fight. The most desperate criminal can be forgiven, but an ingrate never. Therefore I desire to extend the thanks of the hatters to the Typographical Union of Newburgh for their gratitude to the hatters in their fight with Miller."

There is the unfair list on page 25 of this Journal for July 1902, and under the heading of "Hats" appears the name of Henry H. Roeloff & Co., Philadelphia, Pa., (showing same to

1822 jury).

For the sake of the record I might say that this list begins:

"We don't patronize. Union workmen and working women and sympathizers with labor have refused to purchase articles produced by the following firms. Labor papers please note this from month to month and copy."

I have now reached the Journal for August, 1902, and I am going to read page 3 under the heading of "News from our Agents." From a report made by William P. Hennelly.

"Philadelphia, Pa., July 19, 1902.

1823 "Mr. John A. Moffitt, president of the United Hatters of North America and Editor of Journal.

"Dear Sir. Since my last letter for the Journal from Scranton, Pa., and after completing my labors at that place, I have been detained at certain local districts doing detailed work for the organization, which would not be proper to publish at this time, therefore, not having any extensive trip to write about I will try and interest the readers of the Journal with other matters as I see them."

I will skip the last part of this report down to the following, on page 5:

1824 "We, as members of the United Hatters of North America, owe much to organized labor of this country for the support that we have received from them in our recent troubles, and I think that we would be ingrates of the lowest type if we allowed ourselves to forget the label of any craft when we are making purchases. It is to be regretted that some of our men will take union wages and spend them for scab goods, but men who do this are nothing more or less than union scabs and unfit to receive union wages. I hope to see the day with our organization when it will mean suspension

for any member who is found spending his union wages for scab goods. 1825

"Now that the factory of Henry H. Roeloff & Co. has been unionized we should be just as anxious to encourage the sale of those goods as we were to discourage them prior to the unionizing of the factory, through our agents and otherwise."

I suppose some where here I will find a report as to the unionizing.

I also want to read from "Reports from our agents" beginning on page 5, the report of Felix J. O'Haire.

"Chattanooga, Tenn. 1826

"Mr. John A. Moffit, Editor, etc.

"Dear Sir: I arrived at Chattanooga on the 28th day of May and found instructions awaiting me there, and in accordance with same began at once to carry them out. Upon my first visit to the parties mentioned in your letter the arguments advanced by me in the interest of our label was not taken to kindly and consequently I was obliged to place the matter in the hands of the labor organizations, who appointed committees to work with me, which brought about most favorable results to our cause."

I now read from page 17 of the Journal for August, 1902, under the head of "Official." 1827

"Executive Board, Philadelphia, June 30, 1902.

"Meeting of the General Executive Board convened for the purpose of endeavoring to unionize the factory of Henry H. Roeloff & Company.

"The meeting was called to order at 3 P. M., Moffitt, Maher and Lawlor present. Charles Barrett of Danbury, Chairman of the Board of Directors, was appointed vice-president pro tem. The members of the local Executive Board of Philadelphia were notified to attend the meeting. President Moffitt gave the local Executive Board a detailed statement of the Roeloff matter from the beginning to the present 1828
time, and said, now that the factory was about to be unionized they would be the party to make the settlement. The local Executive Board then authorized the general Executive Board to go ahead and, if possible, unionize the factory on terms that would compare favorably with other union factories in the district.

"At 10 A. M. next morning the Board met Mr. Roeloff at the Walton Hotel, where both parties signed an agreement stating that anything said at this or subsequent meetings of

1829 this nature will have no effect on the suit now pending between Henry H. Roeloff & Co. and the United Hatters of North America.

"Mr. Roeloff made a statement as to the conditions existing in his factory, stating that he had a large number of indentured apprentices, and that the system employed in making hats in his factory was so different from others, that he was fearful that under our laws it would be impossible to make his a union factory. Mr. Roeloff was informed that many things that may now seem to him impossible may be easily overcome when we come to talk matters over. Both parties
1830 then started negotiations, taking up each department separately. Owing to the system employed and the machinery used, etc., it was a very difficult matter to make agreements satisfactory to both parties. The Board held daily sessions with Mr. Roeloff, always reporting to the local Executive Board the progress made at each meeting, until July 19, when negotiations were closed, and an agreement that will compare favorably with other union factories as to prices and other conditions was signed and the factory of Henry F. Roeloff & Co. was for the first time in its history declared union."

That is July 19th, 1902, the unionizing.

1831 I will now read into the record at this point from page 21 the directors of the United Hatters of North America. John Cords of Bethel, Connecticut, who is a defendant. William C. Hennelly, George A. Phillips, Charles J. Barrett, who was a defendant and now deceased. Martin Gorman, who is a defendant. John Cassidy, James Bourne, William A. Brennan, who is a defendant; John Horrigan; Patrick Lynch.

On page 24 appears the unfair list in the usual form. Under the heading of "Hats," J. B. Stetson & Company, Philadelphia, Pa., Roeloff being unionized.

Now we will turn to the Journal for September, 1902,
1832 and I will first read from page one, President's address.

"President's Semi-Annual Address.

"To the officers and members of the United Hatters of North America.

"Gentlemen. In submitting to you my report of the work of our organization for the past six months, I desire to call your attention to a few important matters that have taken place since my last report to you. Principally among these matters was the unionizing of the hat factories of Henry H. Roeloff & Co. at Philadelphia, Pa., and Roeloff, Pa., on the

19th of July last after a strike lasting fourteen months. In unionizing these factories a number of obstacles presented themselves which were very difficult to overcome, i. e., the apprentices working in the several departments were indentured under the laws of the State of Pennsylvania, and acting under legal advice your Executive Board did not attempt to remove them, as they would set themselves criminally liable, and if Mr. Roeloff discharged them from his employ he would be liable for damages. In consequence of this, your Executive Board, in order to overcome this obstacle and to unionize the factories, granted cards to all those that were of age for an initiation fee of twenty-five dollars and registered the remainder. This matter straightened out, the following agreements were entered into and the factories unionized:

"Articles of Agreement entered into this 15th day of July, 1902, and to continue in force until the 15th day of July, 1903, between Henry H. Roeloff & Co., manufacturers of fur felt hats, with factories at Philadelphia, Pa., and Roeloff, Pa., parties of the first part, and John A. Moffitt, president, Charles J. Barrett, vice president pro tem, Martin Lawlor secretary pro tem, and James P. Maher treasurer, General Executive Board of and representing the United Hatters of North America, parties of the second part, do hereby agree:

"First. That the party of the second part shall unionize the shops, factories, mills, etc., of the party of the first part at Philadelphia, Pa., and Roeloff, Pa., under the following conditions: That all the employees of the party of the first part working at the various branches of the hatting trade, namely, pouncing, pressing, blocking, squaring, packing, luering, curling, top-ironing, planing, setting, and any work done on any machine in the curling or finishing department; also hardening, sizing and second-sizing, shaving, stiffening, clearing and pinning out of all hats by hand or machine shall be members in good standing of the organization (the United Hatters of North America) represented by the party of the second part.

"Second. The party of the first part shall pay to the members of the organization represented by the party of the second part the following schedule of prices as wages:"

I won't read all that. That covers the wages, as you see, covering two columns (showing to jury), prices to be paid employees.

1837 "Third. The party of the second part shall grant the use of the union label to the party of the first part, which shall be used in all hats manufactured at the factories of the party of the first part located at Philadelphia, Pa., and Roeloff, Pa.

"Fourth. Upon signing of this agreement by the party of the first part and the party of the second part, the party of the second part shall officially communicate with all trade organizations named by the party of the first part and shall notify the public, through their official publications, of the right of the party of the first part to the use of the union label.

1838 "Signed: Henry H. Roeloff, John A. Moffitt, Martin Lawlor, Charles Barrett, James P. Maher."

Then Mr. Moffitt goes on with his report:

"The work of unionizing the Roeloff factories having been completed, made a total of six factories unionized in the past six months, as follows: Price & Voight and Henry H. Roeloff & Co., Philadelphia; Joseph Fisch & Co., Albert Seitz, Budisch & Co., Newark, N. J., and the Westchester Hat Co., Yonkers, N. Y., thus making a total of fifty-four factories unionized from March 15, 1896, to August 15, 1902.

"As a lengthy report at this time would consume too 1839 much space in the Journal, which would be an unnecessary expense, I will refer you to the reports of the secretary and treasurer which will give you all other desired information.

"Respectfully submitted, John A. Moffitt, president.

"Orange, N. J., August 15, 1902.

I will read from page 19 of the Journal for September, 1902, which is the report of Frank J. Keegan, secretary of Local No. 18, under the heading of "Philadelphia, August 11, 1902."

"Mr. John A. Moffitt, president.

"Dear Sir. Since my last letter to the Journal great 1840 things have happened in the district of Philadelphia that will make history in the hatting trade. I presume that by this time the entire membership of our organization is aware that the factories of Henry H. Roeloff & Co. at Philadelphia and Roeloff, Pa., have been unionized, but I am not sure whether they know of the great task it was to do it.

"We in Philadelphia do, and therefore cannot sing the praises of our national officers too much, particularly our national president, who led us in battle and to victory."

Then on page 20 of the same Journal I will read from 1841
the report of Fred Miller, secretary, under the heading of "Philadelphia Finishers."

"Philadelphia, August 19, 1902.

"Mr. John A. Moffit, Editor.

"Dear Sir. We are pleased to inform the readers of the Journal of the unionizing of the Henry H. Roeloff & Company plant of this city and the plant at Roeloff, Pa., on July 19th last. Many thanks to our national officers for their untiring efforts in our behalf."

And then on page 21, the report of Fred Miller secretary of joint meeting. 1842

"Mr. John A. Moffitt, Editor.

"Dear Sir. On the 28th ult. there was a joint meeting of Locals No. 18 and 29 to hear the report of National President Moffitt on the Roeloff strike. It was the largest meeting of hatters ever held in the city of Philadelphia. The hall was packed to the doors. The National President, who was accompanied by Vice-president Lawlor, gave the meeting a detailed report of all that happened during the strike, which was very interesting. The National President's speech was voted to be one of the best ever heard at a hatters' meeting, and was very enthusiastically received. Vice-president Lawlor 1843
said he was unable to add anything to what the President had already said, but wished the hatters of Philadelphia success and happiness in their new factory. There was a motion made and unanimously carried to ratify President Moffitt's report. After three rousing cheers were given the National officers, the meeting adjourned.

"Fred Miller secretary of joint meeting."

Now having finished the Roeloff fight, we will take up Loewe, and I will read first from page 12 of the Journal for September, 1902, from the meeting of the Board of Directors.

"Matters of importance to the trade acted on. 1844

"Young men's T. & L. Hall, Danbury, Conn., August 6th, 1902."

I think the statement here would clear the matter in the jury's mind. I think it is better to read this at this point, but the Loewe men left the factory on the 25th of July 1902, which we will place before you later, which was six days after the close of the Roeloff fight, July 19, 1902, and this meeting was held later than the 25th of July, 1902, when the matter was taken up by the directors in a formal meeting.

1845 "The meeting was called to order at 11 A. M., Chairman Barrett presiding.

"The roll was called. Morris Carmody was present in place of George A. Phillips and John Morris in place of James Byrnes, Stringer White took the place of John Caskey, who resigned. The other members were: John Cords, William C. Hennelly, Charles J. Barrett, Martin Gorman, William A. Brennan, John Horrigan and Patrick Lynch.

"H. C. Shalvoy was appointed sergeant-at-arms.

"Motion that the National officers have the privilege of the floor. Motion carried.

1846 "Motion that the sessions at this meeting be from 8:30 to 12 A. M. and from 1 to 5 P. M. Motion carried.

"President Moffitt stated that his reasons for calling a meeting of the Board at this time was to make a report on the termination of the Roeloff strike, and also to take action on several other matters of importance to the trade which required their immediate action.

"Motion that the call for the meeting be accepted. Motion carried.

"President Moffitt then made a detailed statement of the Roeloff case, going over the whole business from beginning to

1847 end, and concluding by reading the agreement entered into between the firm of Henry H. Roeloff & Co., and the United Hatters of North America.

"Voted that the report of President Moffitt be accepted and indorsed.

"Voted that the matter pertaining to the firm of D. E. Loewe & Co. be made a special order of business for the afternoon session.

"At 12:30 P. M. the Board adjourned for dinner.

"AFTERNOON SESSION.

1848 "Meeting called to order at 1:30. All members present.

"Minutes of morning session read and approved."

Mr. Mulholland:

We understand, if the court please, that our general objection continues even to the matters of Loewe & Company, for the reason that they are being read from the Journal.

The Court:

I so understand.

1849

Mr. Merritt:

"Treasurer Maher made a statement as to what had transpired at the meeting held between D. E. Loewe and the members of the General Executive Board. President Moffitt also stated that he had had two conferences with Mr. Loewe, one on August 1 and the other on August 3rd, and that he was of the opinion that Mr. Loewe did not intend to unionize his factory.

Mr. Beach:

Shouldn't that be August 4th?

Mr. Merritt:

1850

It says August 3rd here.

"Director Barrett in reply to a question from Director Carmody, as to whether or not the local associations had requested that action be taken in regard to unionizing the Loewe factory, said that the local associations were now, and had been for some time, in favor of unionizing the factory.

"Director Gorman offered the following resolution:

"Resolved, that the General Executive Board has full authority to deal with the Loewe matter in such a way as in their judgment the best interests of the trade would be served.

1851

"The matter was discussed at great length, taking up most of the afternoon session, all of the directors and officers taking part in the debate.

"Motion that the matter be laid over until tomorrow morning, and that Mr. D. E. Loewe be invited to attend the meeting. Motion carried."

Then they pass on to other matters which I need not read here. Then continuing with the minutes:

"SECOND DAY.

"Morning Session, August 7, 1902.

1852

"The meeting was called to order at 8:30 A. M., Chairman Barrett presiding. Roll called. All present. Minutes of previous day's session read and approved."

Then I skip part of the minutes, and read from page 14.

"The committee appointed to invite Mr. Loewe to attend the meeting stated that he refused to appear before the Board, and quoted Mr. Loewe as saying 'That if he died he would never come to the trade.'

1853 "Motion that the report of the General Executive Board on the Loewe matter be accepted and their action endorsed. Motion carried.

"Motion that the Board of Directors delegate their full power to the General Executive Board in their efforts to unionize the Loewe factory."

Now I will read from page 22 of the Journal for September, 1902, under the heading "News from our Agents." Report from W. C. Hennelly.

"Philadelphia, August 21, 1902.

1854 "Mr. John A. Moffitt, president of the United Hatters of North America and Editor Journal.

"Dear Sir. I arrived in this city on the 20th inst., and pursuant to your instructions I immediately started to visited the houses who are handling the product of the unfair Danbury concern, and I am pleased to say I met with fair success so far. The city of Philadelphia is much improved in unionism as compared with two or three weeks ago. There seems to be a great activity displayed on the part of workingmen to join the organization of their craft. Formerly they viewed the labor movement as a failure and refused to take any part in it, but apparently they have changed their minds.

1855 Today there are over 300 unions in the city, and a large number in the city of Camden, N. J., who do considerable of their purchasing in this city. We will make an effort here to acquaint this army of purchasers as to the benefits of buying only goods bearing the label, and when they get actively interested the Danbury concern will be obliged to find another market, or else give the people what they want. Our two locals here are going to take part in the coming Labor Day parade, and judging from the way they are starting to get ready they certainly intend to surpass all previous efforts. They surely are working hard to make the parade a success. They

1856 will have over four hundred men in line, two large floats, the best band in the city, and a drum corps.

"I am sorry at this time to be unable to write a longer letter for the Journal. Owing to the nature of my work, and just entering a new fight which requires a great deal of cautiousness and time, prevents me from writing a lengthy letter.

"Yours respectfully,

"W. P. Hennelly."

I call your attention to the unfair list which appears in the September Journal. The only name under "Hats" is

John B. Stetson & Company, Philadelphia, Pa. Mr. Loewe's name does not appear. 1857

I now turn to the Journal for October, 1902, and I read from page 7, the report of W. C. Hennelly under heading "News from our Agents."

"Philadelphia, Pa., September 18, 1902.

"Mr. John A. Moffitt, President U. H. of N. A., and Editor of Journal.

"Dear Sir. Since my last letter for the Journal I have found enough work in Philadelphia and adjacent cities and towns to keep me here until the present time, and judging from the amount of work yet to be accomplished, I could be kept busy in the same locality for some time to come. I am pleased to say that I have met with good success so far with my undertakings here, and I feel safe in saying that all we set out to do in this locality will be accomplished with a result that will be a benefit to the organization in the future. Many of the retail dealers here and in Camden were pleased to learn the many ways they could be imposed upon by the people that they bought their hats from, regarding the label, and in several cases I had the opportunity of showing them how the trick was turned off on them in some of the hats that they had in their stores. Some of them remarked that they had thought it strange that the union men could so often forget to put the labels in hats; they know now that all hats that come from union factories bear the union label; they also know now where the ones come from that they were told that the union men were so careless about. In going among the dealers here I am frequently told by them that they are unable to get a certain kind of soft hat, one that retails for two dollars and two dollars fifty with a low crown and wide brim, it might be termed a novelty or freak, however it is a success in the Quaker City. Dealers say that they cannot get this hat from the jobber here with the union label. They are told by the jobber that the union factories will not take their orders on this hat, and if they did that it would be from seven to eight weeks before they would get the goods, therefore they advised the dealer to take the non-union hat, telling him at the same time that it is superior in every way to the union hat at the same price. 1858 1859 1860

"Now I do not wish to convey the idea that I or the organization have tried or want to try to dictate to a jobber or to any one else the kind of goods they shall sell

1861 or push. I know that they will push the goods with the largest margin of profit. But I can't understand how any dealer can stand up and take the punishment when it is being dealt out in chunks of this size under the present circumstances."

Mr. Beach:

I think you ought to read the rest of it.

Mr. Merritt:

Well Brother, I have no objection to it being read.

Mr. Beach:

I will read it.

1862 "It is to be regretted that dealers who allow themselves to be juggled around so carelessly, do not try to familiarize themselves more with the true conditions regarding statements of this kind. If they would only stop and consider that in the State of New Jersey, the home of the soft hat industry, there are sixty hat factories, only one of which is non-union, then it might dawn on them how ridiculous those statements are. If the opinion and judgment of the great majority of the hat buyers of this country is of any value as to quality and price, then the union made is the best hat. For these buyers going into

1863 the open market and selecting the best quality for the least money, select over eight-tenths with the union label. This is why there is only one non-union factory in the State of New Jersey, and a very good reason why the union made hat is the best hat for the money."

Mr. Merritt:

Then in the Journal for October 1902, is the unfair list. "Hats: J. B. Stetson & Company, Philadelphia, Pa."

Now turn to the Journal for November, 1902, and I will read an extract from the report on page 3 of Frank

1864 Keegan, Secretary of Local 18, under the heading "Philadelphia Matters."

"Philadelphia, October 26, 1902. Mr. John A. Moffitt, Editor Journal.

"Our friend William Hennelly is still working in Philadelphia, and we can all see the effect of his work. I think our label is enjoying quite a boom from his work here. I don't think the agents could be used to better advantage than to keep them as much as possible in the large cities. We know there has been more demand for

label hats here at present than ever before; therefore I would like to see him here for some time to come." 1865

Then on page 7 of the Journal for November, 1902, report of W. C. Hennelly.

"Philadelphia, October 18, 1902.

"Mr. John A. Moffitt, President U. H. of N. A. and Editor of Journal:

"Dear Sir: I am very sorry to be unable to write you a lengthy letter for the Journal this month owing mostly to the fact of not having anything new to write about that would be of interest to the readers of the Journal.

"My work this month has been similar to that of last, and I am pleased to be able to say at this time that we have been steadily gaining headway with our undertakings here, and I would not be surprised if something dropped soon. Yours respectfully, W. C. Hennelly." 1866

And in this Journal appears the unfair list on page 26. "Hats, J. B. Stetson & Co., Philadelphia, Pa."

Then I will read from page 11 of the Journal of January, 1903, the report of W .C. Hennelly.

"Baltimore, Md., December 18, 1902.

"Since my last letter to the Journal my time has been taken up in Baltimore and vicinity." 1867

I am skipping to the last paragraph.

"During the time I have been here I have visited about forty five of the organizations and acquainted them of our present trouble and I have been assured by them that our interests here in this matter would not be neglected."

And then I want to read from the Journal of February, 1903, page 1.

"President's Report.

"To the officers and members of United Hatters of North America. 1868

"Gentlemen: In presenting to you my report of the work of our organization for the past six months I desire to briefly state that in the soft hat districts work has been exceptionally good, and from what we can learn it will remain so for some time to come. The earning power of our members since my last report shows a very substantial increase, and while our members in some of the districts have not reached the three dollar a day average there appears to be very little or no dissatisfaction. We

1869 have unionized two factories, T. C. Millard & Co. of Danbury, Conn., and Seltz & Co. of Newark. The strike inaugurated at the factory of D. E. Loewe & Co. of Danbury in October last, is still in vogue and we look to a very early settlement as our five agents on the road are working hard to this end."

Now having read two or three reports from Mr. Hennelly in Philadelphia, I think it is a good time to take up the Philadelphia depositions.

Mr. Mulholland:

Whose deposition do you propose to take up first?

1870 Mr. Merritt:

I will take them in the order here. The first one is Edwin F. Keen.

"Depositions taken before Charles I. Cronin, Esq., Notary Public, at his office, Land Title Building, Broad & Chestnut Streets, Philadelphia, Pa., on Tuesday, December 1, 1908, at 10 A. M.; Walter G. Merritt, Esq., representing the plaintiffs; H. W. Taylor, Esq., representing the defendants."

I am not going to read the argument of counsel unless you wish it.

1871 Mr. Mulholland:

No.

Mr. Merritt:

"EDWIN F. KEEN,

a witness called by the plaintiffs, being of lawful age and who resides more than one hundred miles from any place where the case can be tried, being duly sworn according to law, deposes and says:

"By Mr. Merritt:

1872 "(Q.) You are under sixty years of age and over twenty one years of age? (A.) Not far under. A little more than twenty one though.

"(Q.) What is your business? (A.) Merchant: hat merchant.

"(Q.) What is the name of your concern? (A.) The name of the concern is Eli Keen's Sons.

"(Q.) It does business in Philadelphia? (A.) Yes, sir.

"(Q.) It does a jobbing business in hats? (A.) Jobbing and retailing.

"(Q.) How long have you been connected with that concern? (A.) I should say about thirty six years. I will say close to thirty six years. Since 1872. 1873

"(Q.) In what capacity are you connected with that concern? (A.) I am the whole concern, as far as that is concerned; the owner and the manager and everything else.

"(Q.) In the course of your business dealings have you ever purchased hats from the plaintiff, D. E. Loewe & Company? (A.) I have.

"(Q.) Were you purchasing hats from that concern during the years 1900, 1901 and 1902? (A.) We were purchasing them at that time, and I have a buyer who was attending to most of the purchases. 1874

"(Q.) But you know that you were purchasing hats from them during these years? (A.) I know the concern was purchasing hats. Whether I purchased them or whether the buyer purchased them, I don't know.

"(Q.) In all my questions I am referring to the concern? (A.) I understand.

"(Q.) Were these hats satisfactory as merchandise goes? (A.) They were.

"(Q.) Do you recall, in a general way, how many years you had been dealing with B. E. Loewe at that time? (A.) That I could not just say off hand. I know we were dealing with them the last ten years. How much further back I would have to refer — 1875

"(Q.) Can you give me any idea of the amount of your business transactions with D. E. Loewe & Company during the years 1900 to 1903 respectively?"

Mr. Mulholland:

That is objected to.

The Court:

You may read the answer. 1876

Mr. Merritt:

"(A.) I have taken this memorandum from my bookkeeper's figures, which my subpoena called for, and I naturally took it off the books, on account of the subpoena calling for it. (Witness refers to memorandum.) 1901 the purchases were $30885.67; 1902, $18433.21; 1903, $4332.14; 1904 I have too."

The Court:

Oh, it is admissible —

1877 Mr. Mulholland:

(Interrupting) Save an eception.

The Court:

—for some purpose. It is admissible on the question of damages if nothing more.

Mr. Merritt:

"(Q.) That is all I have asked for? (A.) 1904 I have too. I have 1904 and 1905.

"(Q.) I do not want them? (A.) That is what we call our gross amounts.

"(Q.) These figures, do they represent the calendar
1878 year or some fiscal year? (A.) That means from January to December.

"(Q.) The calendar year? (A.) The calendar year, each year, twelve months.

By Mr. Taylor:

"(Q.) December 31st? (A.) From January to December 31st.

By Mr. Merritt:

"(Q.) During this period concerning which you are giving testimony, were you ever visited by any one suggesting that you should not purchase goods from D. E.
1879 Loewe & Company? (A.) We were visited, you might say, a couple of times, asking if we could not have D. E. Loewe & Company put labels on, or turn union. I cannot say we were requested right out and out direct from those ones who visited us—

"(Q.) Do you recall who the people were who visited you? (A.) No, they were stangers to me.

"(Q.) Were you acquainted with the existence of an organization called the Hatters Union at that time? (A.) I have always heard of them. I never knew of them personally, like some do.

1880 "(Q.) Did you ever hear of their having any difficulty with H. H. Roeloff & Company? (A.) In a general way, of course, we heard of these things.

"(Q.) Or with F. Berg & Company? (A.) I have heard of it.

"(Q.) Were you familiar in a general way with the character of that difficulty and of the conduct taken by the Hatters Union in connection with those concerns? (A.) I could not recall it at the present time. Of course like all those things, being in the line of business I have

been in all my life, those things naturally I talked over 1881
at the time and dismissed afterwards.

"(Q.) I am trying just to find out whether you had a general knowledge of the conduct of the Hatters Union under similar circumstances, of their former practices, etc? (A.) My business being a wholesale business, and also a retailer, not being a manufacturer, of course only those stories would come to me at the time, and afterward I would think nothing more of them.

"(Q.) Were you familiar by hearsay or otherwise with the attitude taken by the Hatters Union towards the customers of these various manufacturers, H. H. Roeloff 1882
& Company and F. Berg & Company? (A.) Not so much with those cases. Of course, we were purchasing from Berg at the time, but heard no one speak of Berg or either Roeloff.

"(Q.) I am not desiring so much to find out your personal knowledge or interest in connection with them, but I want to ascertain what the visits from those various men asking you to interpose with Mr. Loewe meant to you? (A.) I could only understand as far as it meant to me they were only trying to get me to get Loewe to use the label, and as I said at the time we were jobbers, 1883
and I thought we had the right to use such goods as we chose, and that it was Mr. Loewe's fight and not my fight, and I would not interfere either one way or the other.

"(Q.) What effect, if any, did this visit have on your sales of goods of Loewe & Company, or your attitude toward the goods? (A.) You can see by the figures the effect it had on us with regard to people who did not care to handle Loewe's goods. They did not care to purchase them from us. We had the goods and kept them.

"(Q.) Did you change the attitude of your concern towards the goods? (A.) You mean by not purchasing 1884
them or not pushing them?

"(Q.) Yes? (A.) The goods were there. Our salesmen may not have pushed them as they did before, on account of some customers saying they preferred not to have them.

"(Q.) Did your concern try not to push them? (A.) That may have been. The goods were there. That is all I could say."

1885 Mr. Beach:

Is it "that may have been," or "they may have been"?

Mr. Merritt:

It is "that may have been," here. "I don't know whether my salesmen did, because I was not selling many goods in those days.

"(Q.) Did you have any conferences with your salesmen at that time concerning the matter? (A.) Not as a general conference. I left it to them to use their own judgment what they thought would be best.

"(Q.) You did not make any suggestion or give any
1886 instructions? (A.) The only suggestion I might have made would be to say 'we have the goods, but the customers do not need to take them unless they want them.'

"(Q.) How did that differ from the way in which you were dealing with Loewe's goods prior to this time? (A.) The goods, of course, you might say sold themselves to a certain extent, the get-up of the goods, the character, and we carried a larger line and looked for larger sales.

"(Q.) Prior to this trouble or this visit you received, were you pushing Loewe's goods? (A.) Yes, that is, I
1887 cannot say we were pushing them. We had a larger line of them, and naturally like in any line of business there are some reasons that you push one line of goods more than you would another, the styles and character of the goods will suit your trade better.

"(Q.) I understand you to testify that because of this visit you told your salesmen to take the position that you had Loewe's goods, but they need not take them if they did not want them? (A.) I did not tell my salesmen that they need not take them. I told the salesmen that the customers need not—that is, we had goods in the
1888 place, whether Loewe's or whosoever goods they were, but if they did not want Loewe's goods, of course we had plenty of others, meaning that we were not pushing them on people who understood the causes, if there were any troubles.

"(Q.) Your customers had no way of telling which were those goods, had they?"

Mr. Merritt:

"Only by being non union goods. They did not know whose line of goods they were unless the salesmen told them.

"(Q.) They had no way of telling they were Loewe's manufacture? (A.) But most customers had gotten used to handling them, like they would any make of hats, and they got to be known.

"(Q.) Used to handling Loewe's goods? (A.) Yes, like you would any other make of hats, and they got to be known, they got to be known as Loewe's, and you might say when these causes came along they may have dropped out.

"(Q.) You mean the customers got to know the goods they were handling were Loewe's goods? (A.) I suppose some of them most likely did. Some of them most likely.

"(Q.) What I am trying to find out is whether or not this is a fact: did your concern, because of this visit, decide not to urge these goods upon customers with the same force that they did before, or were they pushed just as prominently as they were before?"

Mr. Mulholland:

That is objected to, the answer especially.

The Court:

Oh, he may read it.

Mr. Mulholland:

Exception:

The Court:

It is the question you objected to, as I understand?

Mr. Mulholland:

The question and the answer, because the answer does not state his own knowledge; attempts to give some custom.

Mr. Davenport:

I submit it is admissible.

The Court:

I think that the answer may be taken.

Mr. Mulholland:

Save an exception.

The Court:

The jury will give it such weight as they think it is entitled to.

1893 Mr. Merritt:

"(Q.) What I am trying to find out is whether or not this is the fact: did your concern, because of this visit, decide not to urge these goods upon customers with the same force they did before, or were they pushed just as prominently as they were before? (A.) It is natural in goods like those that were on the market, that we would not push them as we did before, knowing the feeling that there was. Any one knew that feeling that there was with those goods, and as a merchant, I do not think that any merchant who had common sense would try to fight
1894 both these goods and the leaders altogether.

"(Q.) Did you ever receive any circulars or letters from any union with reference to this matter? (A.) There was only one letter received from the Federation of Labor. I think they call it the Federation of Labor.

"(Q.) The State Federation? (A.) The State Federation of Labor, yes.

"(Q.) Have you that letter? (A.) Not with me.

"(Q.) Did not your subpoena call for those letters? (A.) My subpoena—would you like to read it?

"(Q.) If you please. (A.) I think it only called
1895 for amounts. That is Mr. Cronin's letter.

"(Q.) This letter that came from the State Federation of Labor, did you receive through the mails? (A.) Yes, sir.

"(Q.) Did you receive more than one letter from the State Federation? (A.) I replied to the first letter, and received an answer to it.

"(Q.) Have you both the letters? (A.) I have both the letters in my store.

"Council for plaintiff offers in evidence two letters, dated Wilkes Barre, Pa., June 5, 1903, and May 15, 1903,
1896 respectively."

Mr. Merritt:

Your Honor, before finishing that deposition and offering those two letters from the Pennsylvania State Federation of Labor, I will read one report from the Journal for April, 1903, page 7. This is the report of W. C. Hennelly.

"Philadelphia, March 21, 1903.

"Mr. John A. Moffit, President U. H. of N. A. and Editor of Journal.

"Dear Sir: I am still in the Keystone State and am finding plenty to do, both in advertising and in trying to convince the retail and wholesale hat trade of this state that they can very easily get along without non union hats and especially without the goods from the unfair Danbury concern, where our men are on a strike. 1897

"I have experienced some difficulty in a few cases with retail dealers along those lines, but they will profit from their experience. I feel that it is money well spent to convince a dealer that the Labor organizations will not 'patronize a concern which is handling unfair goods or paronize any retail dealer who will patronize a wholesale house which persistently handles such goods. I feel that we treat both the wholesale and the retail dealer with all possible fairness when we go to them and acquaint them of a strike in a factory, we do not go to them and say that they should or should not buy goods from such a concern; we simply state the true conditions as we see and know them, and it is their business whether they buy from such a concern or not. After they are notified of such a condition existing and they continue to patronize such a concern then they know they are doing so against the wishes of some of their customers, therefore must expect to lose their patronage and when they lose them, then it dawns on them that they really never did own all their customers' body and soul." 1898 1899

I will skip part of it.

"Since my last letter for the Journal I have operated in Pottsville, where I found several customers of unfair Philadelphia and New York wholesale houses. They all agreed that they did not want to learn any lesson with organized labor of their city as the instructor, so I think we will accomplish something in that city. From Pottsville I went to Tamaqua. I found some of the desired customers there. They also said they would help in what they considered a just cause. My next stop was at Hazelton, a mining town, which some time ago had a hat factory there, but out of business at the present. The hatters who were there made a very favorable impression with the local people as union men and otherwise, and they would cheerfully welcome them back, and are anxious for another hat factory in Hazelton. This city was no exception regarding dealears buying from unfair jobbers. 1900

They express a willingness to comply with any request that might be made of them by organized labor with the exception of one, who undoubtedly will keep on in his present dream of oppression until he is awakened by the lull in patronage."

Then skipping a part, I direct your Honor's attention to this particularly:

"From WilkesBarre I went to Harrisburg; the convention of the State branch, A. F. of L. of Pennsylvania, was to be in session the week that I went there."

The Court:

What is that A. F. of L.?

Mr. Davenport:

The State Branch of the Federation of Labor.

Mr. Merritt:

"The convention of the State branch of the American Federation of Labor of Pennsylvania was to be in session the week I went there. I met Brothers Lynch and Broadsworth, delegates from Locals 18 and 19 of Philadelphia there on the eve of the convention, and I feel sure that our interests were ably looked after in the convention by those delegates."

"I returned to Philadelphia and began operations here again and found considerable work being done by the local agent here, Mr. Lynch, who is business agent of Local No. 19, and in fact all members of both Locals 18 and 19 are taking an active part in operations here.

"Yours respectfully, W. C. Hennelly, Agent."

I will now offer in evidence the letter from the State Federation of Labor of Pennsylvania which refers to the fact that the hatters had applied to put this concern on the unfair list.

The Court:

Well, I think it is admissible as part of the history of the transactions between the plaintiff and the deponent at that time.

Mr. Mulholland:

Save an exception.

Mr. Merritt:

"Pennsylvania State Federation of Labor.

"Wilkes Barre, Pa., May 15, 1903.

"Eli Keen Sons, Philadelphia.

"Gentlemen: At the recent convention of the Pennsylvania Federation of Labor application was made to the body to have your firm placed on the 'we don't patronize' list of the

organization. As it is a rule of the Federation never to do so without enquiring into the cause of the complaint on both sides, I should be pleased to hear from you, stating your position towards the Hat Makers Union and whether you would be disposed to discuss the difficulty with a view to the settlement of the matter. 1905

"Very truly yours,

"C. F. Quinn."

Mr. Merritt:

"Pennsylvania State Federation of Labor.

"C. F. Quinn, Sec. Treas., 53 Wyoming Street.

"Wilkesbarre June 5, 1903. 1906

"Messrs. Eli Keens Sons.

"Gentlemen. I must ask you to excuse my delay in answering yours of the 27th ult. The cause of complaint against your firm is the dealing with or handling of the manufactures of L. E. Loewe & Co. of Danbury, Conn.

"It would appear that the hat finishers of your city regard the goods of this concern as unfair and desire a step to be taken by this body, which is better to be avoided and which is easily within your power to prevent, provided you will grant them the favor of discontinuing business with Loewe & Co. until the disagreement between them and the union has been overcome. 1907

"Kindly let me know before the 10th inst. your resolution in the matter.

"Yours truly,

"C. F. Quinn."

(Continuing to read from deposition as follows:)

"(Q.) Did you ever receive any letters from any customers concerning this matter? (A.) I received letters from customers.

"(Q.) Have you any of those letters? (A.) No. I asked my bookkeeper only a short time ago if we had any, and he said there were none about. It has been seven or eight years ago. 1908

"(Q.) As far as you know they have been destroyed? (A.) As far as I know, yes.

"(Q.) Give us the contents of those letters, as nearly as you can?"

Mr. Mulholland:

Objection.

Mr. Merritt:

I won't press that, your Honor.

The Court:

The fact that he received letters from his customers in relation to the matter would be admissible, but the last question and answer may be excluded, also the next one.

Mr. Merritt:

Yes, your Honor. Well, I will read the balance of it.

"Did you receive any others? I am asking you whether you have any recollection of receiving more than the two? (A.) I was just trying to think about some of those things whether they were any more or not. I received one from the City here, which I happened to find on my desk, or something of that kind, you know, and did not pay any attention to it.

"(Q.) Those were about all you recall? (A.) As far as I can recall.

"(Q.) I do not mean to recall the contents, but to recall whether you did receive any more? (A.) Yes."

Mr. Beach:

(Interrupting.) Doesn't that come within the ruling?

Mr. Mulholland:

After the word "Yes."

Mr. Merritt:

All right, I won't press it.

"(Q.) Now I am asking you, do you recall receiving any other letters concerning this Loewe controversy from your customers? (A.) I would not say that I had at the present time.

"(Q.) You have given me, have you, as nearly as you are able to, the causes for this dropping off of your business with D. E. Loewe & Company? (A.) Yes, sir, I think so.

"(Q.) Why did you feel it for the interest of your concern not to push Loewe's hats? (A.) Any more than the demand of the goods from the customers. They did not want Loewe's goods. That is the way we understood it."

Mr. Mulholland:

We will pass our cross examination at this time, and read it when we reach it if we desire.

The Court:

Then you may read it, Mr. Merritt, if you desire. If you haven't looked it over with that view, we can leave it until tomorrow morning, to save time.

Mr. Merritt: 1913

Very well, your Honor.

"Deposition of

GEORGE B. WELLS,

a witness called by the plaintiff, being of lawful age," etc.

The jury will understand that all of these that we are reading now are depositions taken in Philadelphia.

"By Mr. Merritt:

"(Q.) You are engaged as a retailer in dealing in hats in the city of Philadelphia? (A.) I am. 1914

"(Q.) How many years have you been so engaged? (A.) Do you mean in business for myself, or my connection with the trade?

"(Q.) In business for yourself. (A.) Between seventeen and eighteen years.

"(Q.) You have dealt with the plaintiff in this suit, D. E. Loewe & Company, have you not? (A.) I have.

"(Q.) During what portion of that period, in a general way? (A.) Ten or fifteen years, I should say. Certainly not less than ten.

"(Q.) Were you ever visited by any one? A. Yes. 1915

"(Q.) Asking you not to deal with D. E. Loewe & Company? (A.) Yes.

"(Q.) How many times were you visited? (A.) I could not say to a certainty.

"(Q.) More than once? (A.) Yes.

"(Q.) Do you recall any of the visits? (A.) I remember one visit very clearly.

"(Q.) Can you tell us that by the date? (A.) No.

"(Q.) Can you give approximately the date? (A.) I should judge five or six years ago.

"(Q.) I show you a letter which purports to be signed 1916 by you, and I ask you if that is your letter? (A.) That is my letter.

"(Q.) Did you write that letter? (A.) I did.

"(Q.) And what is the date of that letter? (A.) February 17, 1903.

"(Q.) I ask you if you can tell us the date of this visit approximately, after examining that letter. Can you give the year in which the visit took place? (A.) It was near this time, and presumably near 1903.

"(Q.) Then you feel that it was sometime in the early part of 1903? (A.) To the best of my recollection and belief.

"(Q.) This is the only visit that you said you had recollection of, that I am referring to now? (A.) Yes.

"(Q.) Who visited you at that time? (A.) Mr. Pat Lynch, and one other whose name I do not recall.

"(Q.) There were two of them? (A.) Yes, sir.

"(Q.) What seemed to be the object of their visit, as indicated by the conversation? How did they open the conversation with you? (A.) That is hard to answer without an explanation.

"(Q.) Make the explanation."

Mr. Mulholland:

The answer is objected to.

The Court:

What is the objection to that, Mr. Mulholland?

Mr. Mulholland:

That it is hearsay, if the court please.

Mr. Merritt:

Mr. Lynch was president of the local hatters' organization in Philadelphia.

The Court:

The statement of counsel of his connection with the matter makes it admissible.

Mr. Mulholland:

Save an exception.

Mr. Merritt:

"(A.) They had visited me on another matter first. After the other matter was settled, then Mr. Lynch suggested that, as I had shown myself a friend of organized labor, I ought to be willing to write Mr. Loewe requesting him to unionize his factory. This letter would show that it was not the first conversation I had with Mr. Lynch on the matter of Loewe.

"(Q.) Did you have any conversation with any one else on this same matter? (A.) Many times.

"(Q.) Who were the other people? (A.) Mr. John Birch, principally.

"(Q.) Who was Mr. John Birch?"

Mr. Mulholland:

The answer is objected to beyond the words "an employee of mine." The remainder of the answer being merely